



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE **108<sup>th</sup>** CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, THURSDAY, SEPTEMBER 9, 2004

No. 106

## House of Representatives

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 9, 2004.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Reverend David O. Jones, Headmaster, Heritage Covenant Schools, Franklin, Tennessee, offered the following prayer:

Lord God Almighty, we rejoice in You, that Your word is truth, that You are faithful in all Your works, that You love righteousness and justice.

By Your word the heavens and the Earth were created. You formed man out of the dust and set him, both male and female, to carry Your image. You have fashioned our hearts individually, and You look upon the inhabitants of the Earth and You have blessed us.

But, Lord, in our rebellion we insist on trusting in our own purposes and works. Father, forgive us. We do not realize the gravity of our sin or the destruction wrought by our pride.

As we are confronted with the anniversary of the horrors of the 11th of September, 2001, give us an assurance of Your grace and mercy. Allow us the ability to know the presence of Your Holy Spirit. And for every victim of terrorism, both civilian and military, and their families, grant healing and peace.

With the Psalmist we pray, Lord, be our strength, our defense, our refuge in the day of trouble.

In the name of our Lord and Saviour Jesus Christ, grant us the ability to think and act in truth, with justice and mercy. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Colorado (Mr. BEAUPREZ) come forward and lead the House in the Pledge of Allegiance.

Mr. BEAUPREZ led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING THE REVEREND DAVID O. JONES

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Madam Speaker, today I want to thank the Reverend David O. Jones of Franklin, Tennessee, for joining us to deliver the opening prayer for this day of session in the U.S. House of Representatives.

As we near the third anniversary of the September 11 attacks on America, it is more important than ever that we continue to seek the guidance of our creator.

Reverend Jones has a long and distinguished history of dedication to his faith and to his community. He is a pioneer in the home-school movement who has made a real difference in the lives of thousands of Tennessee chil-

dren and their families, and has worked to ensure that we protect the sanctity of life as an example to each and every one of us.

We begin each day of legislative session with a prayer, and I am thankful that on this day Reverend Jones could join us as we begin our work.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain up to ten 1-minute speeches on each side.

### SALUTING THE LAMAR LITTLE LEAGUE ALL-STARS

(Mr. DeLAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, I rise today to congratulate the Lamar National League All-Stars of Richmond, Texas. I congratulate them on their magnificent performance in the Little League World Series this year.

I want to thank Jim Michalek, the team's manager, not only for leading the Lamar All-Stars to Williamsport for the second straight year, but for doing it the right way, by teaching his players the fundamentals of baseball and of teamwork and sportsmanship. If he keeps this up, I would not be surprised to hear the Astros want him in their dugout next year.

Mr. Michalek and his coaches, Tommy Abraham and Bobby Murski, gave more than their time and energy to this team. They gave themselves to it, and the character the boys displayed during their tournament run showed the Houston community and our Nation once again that there is no substitute in a boy's life for the strong influence of good men.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



Printed on recycled paper.

H6903

I want to thank them for their dedication and example.

As for the players, Joey Scheurich, Dustin Moehlig, Chance Murski, Stephen Michalek, Tyler Ford, Steven Crawford, Cody Abraham, Ray Cervenka, Randal Grichuk, Christian DeLeon, Matt Daniels and Daniel Homann, well, I am certainly glad these young men are from my district. They did Richmond and Fort Bend County proud this year, and I am honored to represent them and their families in Washington.

It is often said that sports teach kids important lessons about life. Well, Madam Speaker, I think the Lamar All-Stars taught us a thing or two this year. Throughout their season, they modeled the virtues of hard work, persistence, courage and determination. Their amazing performance this summer is a testament to their talent, certainly, but, most of all, a testament to their character.

I offer every player, coach, parent and friend who followed the Lamar All-Stars this year my congratulations for their success, and, more importantly, my thanks for their example.

#### RISE IN MEDICARE PREMIUMS CATASTROPHIC EVENT FOR SENIORS

(Mr. BERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BERRY. Madam Speaker, I remember in 1995 when the leadership on the other side of the aisle stood before this House and talked about how they wanted to see Medicare and Social Security wither on the vine. It is a matter of public record. It is not speculation; it is not putting words in someone's mouth. Now they have been in power long enough to begin to accomplish that goal.

Part B Medicare premiums have gone up 17 percent, from \$66.60 to \$78.20. We have raised \$10 a year the deductible for part B services, and the story goes on and on. This is a catastrophic event for senior citizens, particularly in rural America, where they get charged four times as much for their prescription medicine as anyone else in the world.

This administration has been working on this issue for 4 years. It gets worse and worse and worse. It is time to make a change.

#### EXPRESSING OUTRAGE AT INCREASE IN MEDICARE PREMIUMS

(Mrs. CAPPS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPPS. Madam Speaker, I also rise, like the previous speaker, to express my outrage at the recent announcement that Medicare premiums will go up by 17 percent in 2005. This will eat up half of a senior's Social Se-

curity cost-of-living adjustment. At the same time, Medicare itself is shoveling an additional \$46 billion to managed-care companies so that they can push seniors into HMOs.

This is just another example of how the Bush administration puts the interests of the drug and insurance companies over our seniors' interests. They passed a bill, written by the drug companies, that prevented Medicare from negotiating lower drug prices for seniors and blocking reimportation from Canada. The bill pushes seniors out of traditional Medicare and puts them at the tender mercies of the HMOs.

To sum up this President's Medicare policy: seniors pay higher premiums and higher drug costs so Medicare can give more money to HMOs and the drug companies.

#### REMEMBERING SEPTEMBER 11

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, on September 11, 2001, some 3,000 innocent men, women and children were killed in an act of war, including 30 from my home State of Pennsylvania. This weekend we will honor the memory and rededicate ourselves to defeating the evil that killed them.

We should never forget why they died, for no other reason but that they were Americans, because the agents of evil believe that they can bully us and change our policies by murdering innocent people. And they continue to believe this. We saw it in Russia last week; we saw it in Spain this summer.

Madam Speaker, it is our duty to use every element of national power to defeat them and the conditions under which they thrive. Three years after 9/11 we have made progress. I am proud of the way our country has responded. I am proud of our troops. I am proud of our Commander in Chief, who has led us in the war on terror with a steady hand. Most of all, I am proud of the American people, who have joined together to renew our commitment to what makes America great.

Let us keep praying that the world will be rid of terrorism.

#### EXTEND THE ASSAULT WEAPONS BAN

(Mr. ROTHMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHMAN. Madam Speaker, I rise today to call on the House Republican leadership to allow us to vote on H.R. 2038 and H.R. 3831, which would allow us to decide whether we should let the assault weapons ban stay in effect or disappear from America.

This Monday, September 13, the assault weapons ban will expire, unless the House Republican leadership allows us to vote on whether to keep it in effect or let it expire.

Madam Speaker, the second amendment to the United States Constitution allows individuals to own firearms. The question is, where do we draw the line? Should people be allowed to have shoulder-fired rocket launchers that down airplanes? Of course not. Well, you do not need a 20-round-a-minute assault weapon to take down a deer.

Madam Speaker, I ask the House Republican leadership to allow this Congress to allow us to vote on whether we should extend the assault weapons ban or should we just, because they will not let us vote, have it expire. The assault weapons ban works. Since it went into effect, these crimes have gone down 66 percent.

#### GUARANTEEING A BRIGHTER FUTURE BY PREVAILING IN THE WAR ON TERROR

(Mr. BEAUPREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEAUPREZ. Madam Speaker, on September 11, 2001, America rallied around the Stars and Stripes as we have never before seen. From downtown Manhattan to the streets of my hometown in Colorado, Americans shared their pain and support by raising the flag. And in our flag we found our strength and resolve.

Today, America is safer than ever before, in large part because we did not yield to those terrorists who lacked humanity and virtue.

Our selfless soldiers continue to fight and prevail in a war on terror all over the world. These young men and women engage in battle, so that their children and grandchildren will not have to.

As terrorist organizations are dismantled, we guarantee our young ones a brighter future. With every dictator we put away, we help ensure that our sons and daughters and their families will never have to carry a loved one out of rubble.

Madam Speaker, our Nation has always been an extraordinary Nation, but today we rise up once again for those phenomenal firefighters, police officers, doctors and, yes, today's soldiers, who by their actions say we will not give in.

God bless them, and God bless America.

#### REMEMBERING 9/11

(Mr. HOLT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOLT. Madam Speaker, I rise today to join my colleagues in remembering the victims of September 11, 2001. There are still no words that any of us can speak that will truly ease the pain and the profound sense of loss that families of victims feel, so many in my own district.

I continue to marvel at the courage and determination of the surviving

families, a courage and determination that made the 9/11 Commission possible, overcoming opposition here and across town.

We have an obligation to keep faith with those who perished and with the families they left behind. The best way we can do that is to take the 9/11 Commission recommendations seriously and act on them with dispatch.

□ 1015

For a new generation of Americans, the phrase "Remember Pearl Harbor" has been replaced by "Remember 9/11."

Madam Speaker, let us honor those that we lost and the loved ones they left behind by acting expeditiously and in a bipartisan fashion to bring the 9/11 Commission recommendations to reality.

#### INTRODUCING H.R. 5038, THE AMERICAN HEROES ACT

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Madam Speaker, we will soon double the size of this Capitol, adding a new Visitors Center. As the first thing visitors see, this space must reflect the values of our Nation and the way it inspires young Americans to public service.

Today I am leading a bipartisan group of Members to introduce the American Heroes Act, H.R. 5038. The act authorizes a statue honoring the people of United Flight 93 who fought the first battle in the war on terror over the skies of Pennsylvania. But for their sacrifice, the Capitol might have been destroyed.

We also authorize each State to add one new hero after essay contests in America's high schools. In this way, the new entrance to our temple of democracy will have new heroes adding to the pantheon in the Capitol.

As we approach the third anniversary of September 11, let us honor the heroes of Flight 93 who gave their lives to protect Washington, and let us also make sure that when this Capitol expands, it is filled with men and women who inspire us, especially young Americans, to public service.

#### MISSING CLASSMATES

(Mr. LAMPSON asked and was given permission to address the House for 1 minute.)

Mr. LAMPSON. Madam Speaker, as children across the country begin a new school year, some do so with missing classmates. The problem with child abduction goes on.

Seven months ago Monday, Carlie Brucia's remains were found after a stranger took her at a gas station. Now the seventh-graders at McIntosh Middle School in Florida are missing their classmate.

Three weeks ago, 7-year-old Patricia Miles was found suffocated after going

on a bike ride in Arkansas. Children at Turrell Elementary School are also missing a classmate today.

Missing children from every walk of life, in many circumstances: stranger abduction, parental abduction, international abduction, all need our attention. Next Friday I will host a child safety forum for southeast Texans, and I call on members of the caucus and on all of my colleagues to hold similar events across the country. We must empower Carlie and Patricia's classmates and all children to know and use safety rules.

#### ASSAULT WEAPONS BAN SHOULD NOT BE ALLOWED TO EXPIRE

(Mr. CASTLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CASTLE. Madam Speaker, I rise this morning to express urgency and remind the House that the existing ban on semiautomatic assault weapons will expire in only a few days, this coming Monday, September 13.

Reports continue to show that 70 percent of Americans believe that the ban should be maintained. In fact, the law enforcement community, the health care community, and the administration all agree that this ban should be allowed to continue to protect our communities from our increased vulnerability associated with allowing semiautomatic weapons back on our streets.

Some say that we do not have the votes to extend this ban, but Americans deserve a full debate and a House vote before we allow the expiration date to pass.

There is no reason not to go forward at this point; we have only 5 days left.

Do people need an assault weapon to protect their home? No. Do people need an assault weapon to hunt? No. Do people need an assault weapon to target shoot? No. But criminals use assault weapons to kill.

The ban should not be allowed to expire. I implore leadership to let us vote on continuing the ban.

#### RIISING HEALTH CARE COSTS

(Mr. GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GREEN of Texas. Madam Speaker, I rise today to address the rising health care costs facing our seniors.

This last week the administration announced that American seniors will face the largest premium increase in Medicare's history. Instead of roughly \$67, now it is going to go up to \$78 a month for their Medicare Part B premiums.

The difference amounts to a huge increase, far exceeding inflation or any potential cost-of-living adjustment that our seniors receive under Social Security. This adds to the Government

Accounting Office just last week asking for part of the salary back from the person who withheld information from this Congress when we passed the Medicare reform bill last year.

We should not force our seniors to bear the brunt of the increased cost of Medicare. The administration's actions will force them to come up with an extra \$132 a year just to cover the increased premium. For the average senior receiving Social Security, this represents 10 percent of their monthly budget. Unfortunately, if precedent is any indicator, seniors will continue to see double-digit Medicare premium increases under a second Bush administration.

It is downright shameful to saddle our seniors with the cost of the administration's failed health policies. America's seniors deserve better.

#### MISCONCEPTIONS ABOUT IRAQ

(Mr. GARRETT of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARRETT of New Jersey. Madam Speaker, the war in Iraq is one that we all understand is not easily won. The enemy does not play by our rules of engagement. They have no conscience, they have no decency, they have no moral compass.

Yet the same anger, arrogance, and ignorance that fuels these terrorists who have lashed out at citizens across the globe is now, according to JOHN KERRY, a sign of the Iraqi people's "frustration" with the Bush administration.

Yes, there are pockets of resistance within Iraq, but KERRY's assertion that the Iraqis are acting out in political dissension with the Bush administration's military strategy is ludicrous.

Madam Speaker, Iraqis are not lashing out through political activism, they are shooting American soldiers. They are killing the very same people who have come to help them. Mr. KERRY should be more focused on reality and less on political rhetoric. Our soldiers have risked it all to liberate Iraq and the Iraqi people.

#### SO-CALLED ECONOMIC RECOVERY

(Ms. DeLAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DeLAURO. Madam Speaker, I rise today to discuss our so-called "economic recovery."

Last week I visited a woman in my district named Carol Jones. Nine months ago Carol had a job at an investment firm, a steady income, a health care plan, and a pension. But she had something more. She had security.

Then, like so many others struggling to get by, Carol was laid off, went on for months on end without a job, supporting herself on unemployment benefits and, when those ran out, her savings, which are now all but depleted.

The good news for Carol is that after 9 months of unemployment, she will at last be going back to work at her new job at Target. But Carol will be earning significantly less than she made at her last job, and because the job is part-time, Carol will have no benefits for the next 6 months, and this is what the Bush administration calls "turning the corner on the economy."

Madam Speaker, 8 million people out of work, and 82 million people facing monthly premiums for health insurance that have increased by nearly 14 percent this year alone. The Carol Joneses of the world deserve better than this, much better. They deserve a real plan to jump-start the economy, a plan that lowers health care costs, that creates good-paying jobs, and gets workers back their dignity. That is what the American people want, and that is what this majority should be working on.

#### 9/11 COMMISSION RECOMMENDATIONS

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, 3 years ago this Saturday, at precisely this hour, I found myself standing in the sunlight of a September morning in this city near the elm tree on the Capitol grounds. Like so many of my colleagues, I experienced September 11 in Washington, D.C., and not just the smoke-filled skies and pandemonium that followed those moments, but I experienced the lack of deliberation that followed those times.

It is in that spirit that I rise, as I did the day the 9/11 Commission report was produced, to say that this Congress should proceed with deliberation, but as one of my Democrat colleagues said, with dispatch, in considering and enacting many, if not all, of the recommendations of the 9/11 Commission.

The people of this country believe that they have sent us here, men and women in Congress, to consider the changes that are necessary to advance the security and liberty of the American people; not to write a blank check to independent commissions, but to deliberate, because, God forbid, should a day strike America like that day in September again, or like the days that have struck the people of Russia or of Spain in recent days, there will be a lack of deliberation, and the opportunity to thoughtfully consider these proposals will have gone by.

#### BUSH ECONOMIC POLICIES ARE BAD FOR AVERAGE AMERICANS

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Madam Speaker, the Republicans have performed a hat trick. They have control of the House,

the White House, and the Senate, and now they are trying to pull a rabbit out of a hat.

They need money, piles and piles of it.

The President's tax giveaway to the very rich soaked average Americans and drained the U.S. Treasury. The President's Iraq war is bleeding the U.S. economy and ballooning the Federal deficit.

It will only get worse.

Administration surrogates now openly talk about remaining in Iraq for decades. The Pentagon's annual budget is already close to the entire Federal deficit. To feed the President's war, every domestic program, from Medicare to veterans' health, to low-income housing, is on the table. Make no mistake. Domestic programs are going to be squeezed hard, just like the middle class. This is the lemon that we have in the White House.

It is the Republican way. Why be fair when you can govern by fear?

Think about it. The 2nd of November, it is coming.

#### EXPRESSING SENSE OF THE HOUSE ON ANNIVERSARY OF TERRORIST ATTACKS LAUNCHED AGAINST UNITED STATES ON SEPTEMBER 11, 2001

Mr. HYDE. Madam Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 757) expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001, and ask for its immediate consideration in the House.

The SPEAKER pro tempore (Mrs. BIGGERT). The Clerk will report the title of the resolution.

The Clerk read the title of the resolution.

The text of House Resolution 757 is as follows:

#### H. RES. 757

Whereas on September 11, 2001, while Americans were attending to their daily routines, terrorists hijacked four civilian aircraft, crashing two of them into the towers of the World Trade Center in New York City, and a third into the Pentagon outside Washington, D.C., and a fourth was prevented from also being used as a weapon against America by brave passengers who placed their country above their own lives;

Whereas three years later the country continues to, and shall forever, mourn the tragic loss of life at the hands of terrorist attackers;

Whereas by targeting symbols of American strength and success, these attacks clearly were intended to assail the principles, values, and freedoms of the United States and the American people, intimidate the Nation, and weaken the national resolve;

Whereas three years after September 11, 2001, the United States is fighting a Global War on Terrorism to protect America and her friends and allies;

Whereas since the United States was attacked, it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq while using diplomacy and sanctions in cooperation with

Great Britain and the international community to lead a third terrorist regime in Libya away from its weapons of mass destruction;

Whereas the United States is reorganizing itself in order to more effectively wage the Global War on Terrorism by transforming the Department of Defense, sharpening the Federal Bureau of Investigation's counterterrorism focus, strengthening the authority of the Director of Central Intelligence to coordinate national intelligence activities, and creating a Department of Homeland Security;

Whereas of the senior al-Qaida leaders, operational managers, and key facilitators that the United States Government has been tracking, nearly two-thirds of such individuals have been taken into custody or killed;

Whereas just as significant, with the help of its allies, the United States has disrupted individuals and organizations that facilitate terrorism—movers of money, people, messages, and supplies—who have acted as the glue binding the global al-Qaida network together;

Whereas Pakistan has taken into custody more than 500 members of al-Qaida and the Taliban regime, including Khalid Sheikh Mohammed and Ramzi bin al Shibh, conspirators in the September 11, 2001, attacks, and Kahallad Ba'Attash, an individual involved in the planning of the attack on the USS COLE in 2000;

Whereas Jordan continues its strong counterterrorism efforts, arresting two individuals with links to al-Qaida who admitted responsibility for the October 2002 murder in Amman, Jordan, of Lawrence Foley, a United States Agency for International Development Foreign Service Officer;

Whereas in June 2002, Morocco took into custody al-Qaida operatives plotting to attack United States Navy ships and ships of other member nations of the North Atlantic Treaty Organization in the Strait of Gibraltar;

Whereas the United States and its allies in Southeast Asia have made significant advances against the regional terrorist organization Jemaah Islamiyah, which was responsible for the attack in Bali, Indonesia, in October 2003 that killed more than 200 people;

Whereas Singapore, Indonesia, the Philippines, Thailand, and other countries in Southeast Asia have taken into custody leaders and operatives of local al-Qaida-affiliated terrorist organizations and members of al-Qaida traveling through such countries;

Whereas the United Kingdom, France, Germany, Italy, Spain, and other countries have disrupted cells of the al-Qaida terrorist organization and are vigorously pursuing other leads relating to terrorist activity;

Whereas following the attacks of September 11, 2001, the United States Government initiated innovative programs, such as the Customs-Trade Partnership Against Terrorism program and the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry;

Whereas the Department of Homeland Security implemented the US-VISIT border security screening system in December 2003 at all air and sea ports of entry, requiring that nonimmigrant visa holders entering the United States be fingerprinted and screened through various criminal and terrorist databases before entry into the United States, and this system will be expanded to land ports of entry in accordance with congressional deadlines;

Whereas since September 11, 2001, the Coast Guard has conducted more than 124,000 port security patrols, 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter

the United States illegally, and created and maintained more than 90 Maritime Security Zones;

Whereas following the attacks of September 11, 2001, the Terrorist Threat Integration Center was established, which now fuses, for the first time in United States history, terrorist-related information, foreign and domestic, available to the United States Government for systematic analysis and dissemination to prevent or disrupt terrorist attacks on the United States;

Whereas following the attacks of September 11, 2001, the Terrorist Screening Center, a multi-agency partnership, was established to integrate the dozens of separate terrorist databases that existed before September 11th into a single terrorist watch list for use by Federal, State, and local law enforcement, intelligence, and border security personnel;

Whereas following the attacks of September 11, 2001, the United States Government has ensured the hardening of cockpit doors on airplanes and greatly expanded the use of armed Federal air marshals to prevent and deter future hijackings that could turn commercial planes into weapons of mass destruction;

Whereas having recognized the need to prevent terrorist organizations from using their resources, the Federal Bureau of Investigation has worked closely with the Department of the Treasury to target 62 terrorist organizations and freeze \$125,000,000 in assets of such organizations worldwide used to fund terrorist activities;

Whereas to date United States Armed Forces and Coalition forces have killed or captured 43 of the 55 most wanted criminals of the Saddam Hussein regime in Iraq, including Saddam Hussein himself;

Whereas the al-Zarqawi terror network used Baghdad as a base of operations to coordinate the movement of people, money, and supplies; and

Whereas thousands of families have lost loved ones in the defense of freedom and liberty against the tyranny of terror: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) extends again its deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones;

(2) honors the heroic actions and the sacrifices of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism;

(3) honors the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health;

(4) expresses thanks and gratitude to the foreign leaders and citizens of all nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks;

(5) discourages, in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith;

(6) reaffirms its commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely;

(7) vows that it will continue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities; and

(8) reaffirms that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorist demands.

Mr. HYDE. Madam Speaker, on this important resolution, I ask unanimous consent that the text of the resolution be read by the Clerk.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the text of the resolution.

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 8, 2004, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentleman from Illinois. (Mr. HYDE).

#### GENERAL LEAVE

Mr. HYDE. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Madam Speaker, I yield myself such time as I may consume.

Today we gather in the House of Representatives to consider a resolution commemorating the anniversary of the terrorist acts launched against the United States on September 11, 2001. September 11 was a brilliant, sunlit, late summer morning in New York and Washington. Suddenly, death came raining down from the skies. Three thousand died because of the wicked acts of evil men who callously used innocent American citizens as their weapons.

The war against terrorism, which is the war for civilization itself, has come home to America.

□ 1030

Now, 3 years after the fact, all thoughts are drawn to that day. Time may not be an invincible healer, but it does soften and mercifully distance us from many of our sharpest pains and fears; and by transforming private remembrance into a more quiet and interior experience, it gives the public forms of remembrance greater depth and meaning, elevating these above mere ritual. I am certain that all Americans alive that infamous day will give reverence to this anniversary for as long as they shall live.

We remember today those fellow citizens and the innocents of all Nations who died September 11. We mourn with their families and extend to them once again our profound sympathy.

We remember with awe and gratitude the passengers of the fourth plane, the plane intended for the White House or the Capitol, who sacrificed their own lives to prevent the terrorists from achieving their evil goal.

We remember with profound respect the police, the firefighters and other emergency workers who charged into burning buildings, often at the cost of their own lives, in acts of selflessness and bravery before which we can only bow our heads.

We honor today the men and women of our Armed Forces who have taken the war against terrorism to the fever swamps where terrorism is bred, and who in doing so have given a new birth of freedom to long-oppressed peoples.

We remember in sorrow and prayer those brave men and women who have made the ultimate sacrifice in the service of our country. Their names will not be forgotten. The just cause for which they paid the final price will not fail.

Freedom and decency will, with God's grace, prevail over wickedness and wanton killing.

Today, a day for remembrance is a day for prayer. In silence, let us commend to the merciful hands of God those innocents whose lives were stolen from them 3 years ago Saturday and those men and women of our Armed Forces and those of our allies who go into harm's way and risk their lives for freedom's sake.

Madam Speaker, I reserve the balance of my time.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me first pay tribute to my distinguished friend and colleague from Illinois for the leadership he has provided to our committee and to this House on international matters in the last 3 years.

Madam Speaker, I also want to identify myself with the tribute of the gentleman from Illinois (Chairman HYDE) to members of our Armed Forces, first responders and their families. So much has been said about September 11 and the subsequent battle against global terrorism that the legislation before us allotted an hour of discussion can only be viewed as a symbolic gesture.

But once the solemn commemorations are done, the only meaningful memorial that we in Congress can create is to seriously continue our commitment to carry on the global war against terrorism.

We need to understand that this is indeed a global war, and our hearts go out to the mothers and fathers of the children in southern Russia who just a few days ago were senselessly slaughtered in another act of global terrorism.

We have commitments to keep, Madam Speaker. We need to put into effect the recommendations made by the bipartisan commission investigating the 9/11 attacks. We must find innovative ways to carry out this global struggle against terrorism so that it becomes not a war in the conventional sense but a united worldwide effort to eliminate the conditions that give rise to terrorism, a global effort to sustain peace in all its many aspects.

Where will this effort take us next? We may differ about specific tactics, but I think all Americans agree on at least one broad goal: the United States must do all it can to prevent state sponsors of terrorism from acquiring weapons of mass destruction, particularly nuclear weapons.

Fortunately, Madam Speaker, we have already established at least one model for how to reach that goal peacefully. I refer, of course, to the new situation in Libya, a case study of the effectiveness of multilateral sanctions and diplomacy, sustained over decades by both Republican and Democratic administrations.

Under U.S. and British leadership, the international community, acting through the United Nations, enforced wide-ranging sanctions against Libya that created pressure on its leadership. Eventually, Libyan leader Muammar Qaddafi recognized reality and relented. This year he has taken the unprecedented steps to relinquish his country's nuclear weapons materials and programs, yielding valuable information about the extent of trade in these dangerous substances and among those who seek to harm the United States.

Qaddafi has rejected weapons of mass destruction once and for all, and he will reap the benefits in improved political, economic, educational, and cultural ties with the United States and the West. None of us would have guessed this development just a year ago.

We must waste no time, Madam Speaker, in applying similar measures to Iran, which has shown it will stop at nothing in order to become a nuclear power. The United States has long had sanctions in place on Iran; but now that Iran's nuclear intentions are clear and transparent, we must lead a campaign for full-scale international sanctions on Iran's fanatic regime.

Experts predict that Iran will have a nuclear bomb within 2 years; and with its development of long-range missiles, Iran will threaten our friends and allies across the globe. In order to avoid that nightmarish scenario, the international community must act decisively and quickly, starting with the meeting next week of the board of the International Atomic Energy Agency.

Madam Speaker, I call on that board to refer the issue of Iran's violations of its agreements to the United Nations Security Council for the purpose of imposing multilateral sanctions on Iran until it ends its nuclear program once and for all. With its vast reserves of oil and gas, Iran has no need for what it falsely insists are peaceful uses of nuclear energy.

Madam Speaker, in 1996, this body passed the Iran-Libya Sanctions Act, known as ILSA; and it renewed that act 3 years ago in 2001. Our actions mark a deeper truth. At the time, Iran and Libya were both energy-rich states, sponsors of terrorism, viciously anti-Western and both committed to

the development of weapons of mass destruction. Now their paths have diverged dramatically.

Three weeks ago, I made my second trip to Libya and had my second meeting with leader Qaddafi. He told me of an encounter he had sometime ago with an Arab leader who wanted Libya to supply him with nuclear weapons. Qaddafi said he told that Arab leader that if he gave him such weapons, he could not use them, because the retaliation would be so awesome; and when he said this, he said, I also realized that devoting billions of our resources to developing weapons of mass destruction is pointless, and I am giving you all my weapons of mass destruction.

With this story, Colonel Qaddafi laid out the rationale for his decision last December to give up Libya's programs of weapons of mass destruction. As a consequence, U.S. commercial sanctions no longer apply to Libya. The Iran-Libya Sanctions Act is now the Iran Sanctions Act.

Iran has not yet adopted Libya's wise course. Its single-minded pursuit of nuclear weapons calls for an equally determined response from the international community. The IAEA meeting next week will be a test of both international will and the skill of our leadership.

In the post-9/11 age, letting fundamentalist extremists acquire nuclear arms makes no sense whatsoever. We should be no more relaxed about a nuclear armed Iran than we would about a nuclear armed Hezbollah or al Qaeda.

Mr. Speaker, as Aristotle observed, we make war that we may live in peace. But the effort that so many have called the war on terrorism must involve warfare only as the very last resort.

The case of Libya demonstrates that skillful, multilateral diplomacy can avoid the horror of war and can point us in a direction which is peaceful and constructive for the United States and for the rest of the world.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me time.

Mr. Speaker, most Americans can tell you precisely where they were and what they were doing 3 years ago when the grim news broke that the terrorists had crashed commercial jet liners into both towers of the World Trade Center, the Pentagon, and in a field in Pennsylvania. Sadly, approximately 3,000 innocent people were savagely murdered, including 697 from my own State of New Jersey, with 60 families in my congressional district feeling the pain directly.

The extraordinary courage of the victims like Todd Beamer and Captain Chip Burlingame and so many others who sacrificed their lives in an attempt to thwart the terrorists' plots and

plans, as well as the first responders who bravely ran into burning buildings, deserve the highest honor and respect a Nation can bestow. Sadly, some 374 first responders died going into skyscrapers as they were engulfed in flames. They died trying to save those who were victimized by the 9/11 attackers.

Last week, President Bush very eloquently summed up America's heart and spirit when reflecting on 9/11. President Bush said, "I have seen the character of a great Nation, decent and idealistic and strong." President Bush went on to say, "The world saw that spirit 3 miles from here," he was speaking at the Garden, "when the people of this city faced peril together and lifted a flag over the ruins and defied the enemy with their courage. My fellow Americans, for as long as our country stands, people will look to the resurrection of New York City and they will say here buildings fell and here a Nation rose."

9/11, Mr. Speaker, was America's wake-up call that transnational terrorism, especially from the likes of al Qaeda, is willing and able and determined to murder us in a massive way. Much, however, has been done by the President and by the Congress to mitigate that threat in the 3 years since 9/11.

We now know that the President, working with our coalition partners, has captured and destroyed many of the al Qaeda operatives, and the Taliban has been crushed, and we have now entered into a close collaboration with partners like Pakistan and the United Kingdom.

□ 1405

Much has been done to assist the victims' families, but no assistance, as we all know, can ever remotely replace their staggering loss. Still, when all is said and done, the victims' compensation fund, while not perfect, will have provided close to \$7 billion to the surviving families. We also know that the Federal government has provided about \$26.7 billion thus far, which has been awarded to enhance the abilities of State and local governments and first responders to prevent, prepare for, and respond to acts of terrorism and other emergencies.

Much has been done to reform our defenses, including the creation of the Department of Homeland Security, no small feat, particularly in this town, to do such a massive reorganization. And the Terrorist Threat Integration Center now has the left hand talking with the right hand so that intelligence is properly shared. We are all on the same page.

For its part, the 9/11 Commission, a commission created by the families of 9/11, declared that "we are safer," but they also pointed out that we are "not safe". Over the course of the August district work period, some 26 hearings were held to respond to and to try to figure out what a new comprehensive

reform bill should look like, and I want to thank the gentleman from Illinois (Mr. HYDE), chairman of the Committee on International Relations, for the two outstanding full committee hearings he put together. We are now poised to act on those recommendations, and in some cases, we may opt to exceed the 9/11 blueprint.

Finally, let us all remember, if this is an extremely difficult week for us, the sense of collective violation pales compared to the pain of the families who lost their loved ones, their wives and husbands, their children, their brothers, their sisters. For them, this is the toughest week and September 11th—the saddest day. This is a day of remembrance, a week of remembrance, and our prayers and our hearts go out to the victims' families and friends, because they have lost so much and have stood up so bravely in the years since.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my dear friend and distinguished colleague, the gentlewoman from New York (Mrs. MALONEY), and it is so appropriate that our next speaker be a Representative from New York.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time and for his leadership on this and so many other issues. I rise in strong support of this resolution.

As we remember the third anniversary of the terrorist attacks of September 11, we must not forget the heroes and heroines who selflessly gave of themselves responding to Ground Zero, but who now need our help.

Yesterday the Subcommittee on National Security of the Committee on Government Reform held a hearing on the persistent health effects of 9/11. We heard about the 380 firefighters who have had to end their careers due to illnesses and injuries, as well as the persistent respiratory problems among many other responders.

Mr. Speaker, there is a new medical condition as a result of 9/11 known as the World Trade Center cough. We learned from the GAO that 3 years after 9/11 basic questions still have not been answered. We know that thousands are sick, but we do not know the exact number. There are at least six different monitoring or health tracking programs, but there is no coordination among them, and not a single Federal program provides health care to those who responded and who need it now. There is a clear need for leadership, but we learned that not a single person in the Federal Government is in charge.

Quite simply, the heroes of 9/11 deserve better. This was an act of war. Our heroes and responders should be treated like veterans. At the very least, they should be provided with adequate health care as a result of their injuries. This is the reason why I have introduced H.R. 4059, the Remember 9/11 Health Act. This legislation provides for treatment, coordination, research, and long-term monitoring.

As we remember 9/11, let us not forget that there are heroes out there that still need our help. Our first responders were there for us. We need to be there for them with the very least in providing adequate health benefits to those who need it.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the distinguished chairman of the Committee on International Relations, the gentleman from Illinois (Mr. HYDE), along with ranking member, the gentleman from California (Mr. LANTOS), for introducing this bipartisan resolution as we approach the third anniversary of September 11.

Every American remembers where they were that fateful morning of September 11, 2001. That day, we realized that the world had fundamentally changed. We were introduced to a faceless enemy that wants to destroy our very way of life.

Today we have the solemn privilege of honoring and remembering not only those innocent Americans who lost their lives in these horrific acts, but also those whose loved ones were so violently taken from them.

Since that tragic day, America has responded with determination. Al Qaeda is on the run. Two-thirds of its known leaders have been killed or captured, and a brutal dictator with terrorist ties and a proven appetite for weapons of mass destruction sits in an Iraqi jail. We have worked in cooperation with our allies to take the fight to the terrorists. We have worked aggressively to make our homeland more secure. But we must do more.

On this third observance of the September 11 terrorist attacks, let us keep in mind that the freedom that we as Americans have come to enjoy is a precious thing that can never be taken for granted. The world is a dangerous place, with dark forces that are actively seeking to deny us our cherished liberty.

We take heart in the noble and courageous example that has been set by the men and women of our Armed Forces fighting terrorists and the dictators that harbor them around the globe so we do not have to fight them on our streets and in our cities.

As we go about our daily lives, let us never forget those innocent Americans who were killed that September morning and those who sacrificed their lives in the hopes of saving others.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the distinguished gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank the chairman for introducing this resolution. I stand in strong support of it.

On Friday, September 6, 2002, we had a special session of Congress in Federal Hall in New York City, and the poet laureate of the United States, Billy

Collins, read this moving poem, entitled "The Names."

Yesterday, I lay awake in the palm of the night. A soft rain stole in, unhelped by any breeze, and when I saw the silver glaze on the windows, I started with A, with Ackerman, as it happened, Then Baxter and Calabro, Davis and Eberling, names falling into place as droplets fell through the dark. Names printed on the ceiling of the night. Names slipping around a watery bend. Twenty-six willows on the banks of a stream. In the morning, I walked out barefoot among thousands of flowers heavy with dew like the eyes of tears, and each had a name, Fiori inscribed on a yellow petal, then Gonzalez and Han, Ishikawa and Jenkins. Names written in the air and stitched into the cloth of the day. A name under a photograph taped to a mailbox. Monogram on a torn shirt, I see you spelled out on storefront windows and on the bright unfurled awnings of this city. I say the syllables as I turn a corner, Kelly and Lee, Medina, Nardella, and O'Connor. When I peer into the woods, I see a thick tangle where letters are hidden as in a puzzle concocted for children. Parker and Quigley in the twigs of an ash, Rizzo, Schubert, Torres, and Upton, secrets in the boughs of an ancient maple. Names written in the pale sky. Names rising in the updraft amid buildings. Names silent in stone or cried out behind a door. Names blown over the earth and out to sea. In the evening, weakening light, the last swallows. A boy on a lake lifts his oars. A woman by a window puts a match to a candle, and the names are outlined on the rose clouds, Vanacore and Wallace, let X stand, if it can, for the ones unfound. Then Young and Ziminsky, the final jolt of Z. Names etched on the head of a pin. One name spanning a bridge, another undergoing a tunnel. A blue name needled into the skin. Names of citizens, workers, mothers and fathers, the bright-eyed daughter, the quick son. Alphabet of names in a green field. Names in the small tracks of birds. Names lifted from a hat or balanced on the tip of the tongue. Names wheeled into the dim warehouse of memory. So many names, there is barely room on the walls of the heart.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good friend and distinguished colleague, the gentlewoman from Texas (Ms. JACKSON-LEE).

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I wish to thank both my distinguished colleagues, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), for giving us the opportunity to be able to rise today and to salute those ever brave, ever courageous and ever prayerful. It is wonderful that we live in a Nation that even in tragedy we can still pray and still commemorate and



celebrate, albeit the tragedy of 9/11, the strength and the valor of 9/11 as well.

My deepest sympathy to those who lost loved ones and had loved ones maimed and are still tending to their pain and their loss. Might I pay a special tribute to the families of the 9/11 victims. I salute you for your persistence in directing this Nation to the truth in the final results of the 9/11 Commission report. I ask and beg this Congress to act immediately upon those recommendations. But if it had not been for those valiant families, in their pain, who decided not to go away but to stand strong, we would not be the country we are today.

Might I add my appreciation, of course, for the young men and women on the front lines and say that when it was time to defend this Nation's honor, I stood and supported the war on terror. But let my vote not stand today, as I vote unanimously or enthusiastically for this resolution, that I connect any idea of the war on terror to the war in Iraq. And although I stood against it, I stand solidly with those men and women, National Guardsmen, reservists, and other enlisted men and women in the United States military, who are now fighting for us.

Why do we come to the floor to honor and to recognize this day and acknowledge those who lost their lives? Because I do stand with this Nation in our resolve to fight terror, and we will stand united to do so. In fact, I would ask that we unite singularly on the war on terror as we promote the civil liberties and civil rights of this Nation, and, yes, as we work collaboratively with our allies.

I also rise to thank our friends, Pakistan, who has risen to support us and stand alongside of us; our own longstanding friend, the Democratic State of India, who has continued to fight with us in the war on terror; our friends in Africa and the Mideast and South and Central America, who stand with us against the war on terror.

So I would say that it is time for America, in its honoring of its dead, to respect them for their loss, the tragic loss, to salute those families who remain in pain, and to salute those families who have lost their loved ones in Iraq and Afghanistan. They will be forever in our prayers, and we will be indebted to them, for they gave the ultimate sacrifice. And that means today, as we stand united voting on this resolution, we are standing to pay tribute to them for being ever brave, ever courageous and ever prayerful.

We also acknowledge that we come to this resolution with differing opinions. Although we may not have supported a war in Iraq, we support all of those who stood for our freedom.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 5 minutes to the gentleman from New York (Mr. FOSSELLA).

□ 1100

Mr. FOSSELLA. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support and commend both the chairman and the ranking member for bringing this resolution to the floor. I think all Americans, indeed all free-loving people, come together again on the third anniversary of that dreadful day, forever to be known as 9/11, or September 11, to pay tribute to the victims who died, so many heroically, and all of them innocently, on that fateful day.

I cannot help but think that on September 11 people around the world will take a moment to remember what that day was all about, and I cannot help but think about what was happening 3 years ago today. Three years ago today, a bunch of individuals who were barbaric in nature put together the plan, the final touches that would lead ultimately to the death of almost 3,000 innocent people and how they scurried about the country, here, the United States of America, once thought to be not possible. In fact when they built the World Trade Center, no one ever contemplated an attack on our own soil; but that is what happened.

These barbarians, after reaping the fruits of what America had to offer, decided to take those planes and use those planes as missiles and kill innocent people just going about their lives, too many of whom I had the privilege to represent in Staten Island and Brooklyn. Chances are they were getting up to send their kids to school, got on the bus, took the Staten Island ferry, and walked up to the Trade Center, never to return. As we join today, there are still many families who have not recovered from that day, and perhaps some never will; but our hearts and prayers hope that they find the strength to move on.

We can never erase the lives of the likes of guys like Marty Egan who was not working in Manhattan that day but jumped on a fire engine and ran into the Trade Center to try to help. His wife, Diane, and kids live in Great Hills in Staten Island, and they try to go on; but I know it will never be the same.

There were people like Stephen Siller, a fireman who was supposed to meet his brothers to play golf, said there is an emergency, I have to go into Manhattan, and ran through the Brooklyn Battery Tunnel to help his fellow firefighters and try to save innocent people. Stephen never saw his brothers again, not to mention the hundreds, if not thousands, of others who went about their lives as they should have that day. All this while those barbarians contrived and plotted, as terrorist barbarians do, to take the life of innocent people. Let us not forget what these terrorist barbarians are apt to do. Just last week look at what happened in Russia where the ultimate acts of barbarity took place and innocent children were blown up. That is what we are up against.

As we honor those who lost their lives on September 11 and give thanks to the families who have suffered every day since, let us not forget what we are

up against. Let us not forget that freedom is under attack still. Let us not forget there are individuals around this globe who still want to see the destruction of the United States of America.

I commend the 9/11 report to every American to read so they can get some insight into what these individuals, these terrorists have coming, that is, they do not want to see us be free. They would rather take innocent life after innocent life after innocent life until they get their way.

I hope and pray that Republicans and Democrats long ago understood that we need to unite in a vigilant and a constant and a steadfast way to root out those evil ones wherever they may be. They may be here, they may be in the caves in Afghanistan, they may be in spots around the globe; and we do not even know the names of the towns or cities or villages they are in. If we can stay together and leave the ridiculous rhetoric aside and join with our young men and women who wear our Nation's uniform to support our Commander in Chief when he makes that claim that we are under attack, if we can somehow put our partisan differences aside and unite and stay fast for our great country, and if anything, to remember those victims who perished on September 11, 2001.

Mr. HYDE. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I want to once again thank our distinguished chairman, the gentleman from Illinois (Mr. HYDE), for his leadership not only on this debate today but over the last several years as we have all come together to fight this war against international terrorism. I also want to thank the very distinguished gentleman from California (Mr. LANTOS). Having served on the Committee on International Relations for the last 10 years, I have had an opportunity to observe firsthand the gentleman from California (Mr. LANTOS). Although we do not agree on everything, hearing him speak in the committee is like attending a seminar because of the insight and knowledge he has.

Even though this institution sometimes people would say reeks with partisanship, that particular committee under the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) is an example of true bipartisanship and doing what is right for the country. I thank these gentlemen for their hard work on the Committee on International Relations.

We are here as Members of Congress to honor those who lost their lives on that terrible day and the families that have had to suffer through this terrible tragedy. There were so many heroes in New York and also here in Washington, D.C. because the Pentagon as well was struck and many lives were taken there, but also in that field in Pennsylvania where the fourth plane went down and those passengers on that



plane had the opportunity to talk with their loved ones because they had cell phones.

Prior to this incident, whenever there had been a hijacking in this country, and thank God we have not had one for many years in this country, but when there was one, most people assumed they would want to have prisoners released in some other community or something of that nature. No one really anticipated that planes would be flown into buildings, but they talked to their loved ones and they found out what was happening and what happened with the first three planes, so they were determined that would not happen again. Because they were willing to give up their lives in trying to take back that plane, this building that we are in today, the United States Capitol Building, or the building down the street, the White House, stands, whereas they might well have been destroyed and many lives been taken had they not been willing to sacrifice their lives.

But I have always felt those passengers, those innocent passengers on those other three planes would have done the same thing had they been aware of what was happening, but no one could have known. We want to continue to acknowledge the heroes that went into those twin towers on that fateful morning and tried to save other people's lives. There are so many Americans that showed what this country is all about; and we know that we are, after all, the target of these terrorist groups because of what we stand for.

We are that city on the hill that Ronald Reagan referred to, and we must always remember that we must be in this battle against international terrorism for the long term because they ultimately attack us for what we stand for, and that is freedom. Not only freedom for Americans in this country, but freedom for people all around the world who do not at this time live in freedom; but when we prevail in this war against international terrorism, there are many people around the globe that will have the same freedoms that we have in this country.

Mr. LANTOS. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. HINCHEY).

Mr. HINCHEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for giving me the opportunity to speak on this resolution.

I know that most, if not all, Members who have spoken on the resolution have spoken in a positive way; but I feel it is necessary to point out some aspects of the whereas clauses in this resolution that do not stand up to scrutiny and in fact are false.

The resolution says that the war in Iraq is a responsible and necessary response to the attack on our country of September 11. I think that this resolution in saying that, which is blatantly false, does a disservice to our country, and does a disservice particularly to all

of the victims of the attack of September 11. The war in Iraq had nothing to do with the attack of September 11. We know that from our own study of this issue.

Anyone in this body who has read the Senate Intelligence Committee report, 511 pages, knows very well that that report debunks the notion that the war in Iraq is a necessary response to the attack of September 11. The Senate Intelligence Committee report makes it clear that Iraq had nothing to do with the attack of September 11; and that in addition, Iraq had no weapons of mass destruction. There was no connection between Iraq and al Qaeda, no connection between Osama bin Laden and Saddam Hussein. The Senate Intelligence Committee report says so precisely and clearly.

Furthermore, the independent commission known as the 9/11 Commission which studied this issue also very closely and very carefully in a bipartisan way came to precisely the same conclusion, that there was no connection between the attack of September 11 and the war in Iraq, and that the President has taken us to war in Iraq without any foundation whatsoever.

So this resolution in its whereas clauses presents information as if they were facts, but they are clearly not facts. They are wrong; they are misstatements of the facts.

The resolution goes on to say, for example, that the international military coalition is very active here and engaged in this activity, but the fact of the matter is that this international coalition is falling apart. Six nations have already withdrawn. Honduras, the Dominican Republic, Spain, the Philippines, Norway and Nicaragua have already left a coalition that in the first place was not very large. Poland, the Netherlands, and New Zealand are planning to withdraw.

So the statement in this resolution, particularly in the whereas clauses, and I wish I had more time because there is a whole host of things that need to be addressed here, the whereas clauses stipulate things which are blatantly untrue. This resolution is unfortunate.

Mr. Speaker, this resolution would have been much better if the people who put it on the floor here had not decided to bring us a political document. We ought to be commemorating the event of September 11, 2001. We ought to be thinking of it in a solemn, honest, and sincere way. We ought to have uppermost in our minds the people who were killed in that attack, more than 3,000 of them; but we ought to do it in a way that does honor to their sacrifice, not in a way that dissembles, not in a way that presents information that is not factual, not in a way that is dishonest in our presentation.

□ 1115

Unfortunately, that is what this resolution does in its whereas clauses. The resolved clauses I think is fine, but in

the whereas clauses it stipulates things that are false and untrue.

Why do we have a political document like this on the floor? Why do we have a document that is not clear, not honest, not sincere, not in keeping with the sacrifice made by those people? That is what we ought to have, but unfortunately we do not have.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I will only briefly comment on the remarks made by the last speaker. He can tell the newly free inhabitants of Afghanistan, of Iraq and of Libya that this has not been a worthwhile effort. There is a direct connection between the war in Iraq and the bombing of September 11. Our response to that bombing of September 11 was Iraq based on the best information available.

Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Speaker, I would like to thank Chairman HYDE and Ranking Member LANTOS for submitting this resolution and bringing it forward. I would like to thank both of them for their leadership on foreign policy issues, particularly as it relates to our response to September 11, 2001. While some here would choose to politicize what I think is an appropriate and somber resolution expressing sorrow for the loss of September 11 and expressing appreciation for all those who responded, our police and firefighters and other first responders, our brave men and women in our Armed Forces and our leadership in the White House, in the Congress and in the administrative branch of our country to address one of the most serious threats we have ever had, I for one commend the vast majority of Members of this body who will not attempt to try to politicize what I think is a very finely drawn resolution both in the whereas clauses and in the resolved clauses.

I have just returned from New York City from a great convention. I have been to New York several times since September 11. Each time I see that great city rising further and further from the devastation that so many of its citizens suffered and the city itself suffered on September 11, 2001. I was so proud to see the police officers and the firefighters and other first responders taking such great pride in their city as they made all of us who were visitors feel so secure during that important convention. And so I think this resolution is so appropriate for that reason alone, to say thank you to those in New York who rose to the occasion on September 11, 2001 and have been rising ever since.

I also know that my own State of Virginia suffered grievous loss with the attack on the Pentagon. Each week as I drive home to my congressional district, I drive by the Pentagon and I think of that attack. I think of the brave men and women who were killed that day and the many, many more

who have so bravely risen to the occasion of leading our country in response, in Afghanistan; yes, in Iraq and elsewhere around the world to make Americans more secure and safer than they were on that fateful day 3 years ago.

This loss was tragic, but America has shown a resolve and a resilience and a courage that is remarkable for any nation on Earth, but it is the hallmark of this country that we have done time and time again for generations, standing up for freedom, standing up for hope for the future.

I thank the leadership, and I thank the gentleman from Illinois and the gentleman from California for their leadership on this resolution which I urge my colleagues to adopt.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to my good neighbor and distinguished colleague, the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, let me thank the gentleman for yielding me this time and for his leadership on the Committee on International Relations in working on so many issues in a bipartisan fashion. I just want to also say thank you to our chairman, the gentleman from Illinois, and rise today to respectfully disagree with this resolution in terms of the content of it and talk a little bit about for a minute the intent.

First, I think we should during this period remember the victims and the families and all of those who died during the horrific attack of 9/11. We express our sorrow for these families, for New York, for Virginia, for those on Flight 93. My former chief of staff, his cousin was on Flight 93. These individuals were heroes, and they saved many lives. So today we must remember them, and we must talk also and remember the fact that we need to fully fund our first responders and those who came to the rescue of so many. We need to provide the funding for homeland security, and we need to move forward to address a real war on terror.

I might remind this body that the 9/11 Commission, bipartisan Commission, the 9/11 Commission, reported that there was no connection between 9/11 and Iraq. This resolution really puts all that together and forces a vote for Members of Congress who believe in the 9/11 Commission that there was no connection. This resolution says that there was a connection between 9/11 and Iraq. There was no connection, as the 9/11 Commission mentioned, between al Qaeda, Osama bin Laden and Saddam Hussein.

Again, why are we putting forth a resolution that convolutes the issue? We know that the war on terror has been botched. We know that in Iraq over 1,000 of our young men and women have died, and we know that al Qaeda is still strong, and we know that America is not any safer.

And so, Mr. Speaker, I think today we need to be honest with the American people, and we need to remember

those who gave their lives, who were so viciously killed, in a resolution that does just that. This resolution does not do that. This resolution promotes a policy of connecting the war on terror with the war against Iraq, a perspective and a distortion of fact that the 9/11 Commission indicated was not real, and I think we do a real disservice to the people of our country and to the world community by not being truthful during this very somber moment.

Mr. HYDE. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, on 9/11, thousands of American citizens were slaughtered before our eyes. It was the worst case of an attack on Americans, people say, since Pearl Harbor. No, this was far worse than Pearl Harbor because all of these Americans who were slaughtered, and it was a slaughter, all of them were noncombatants. This was not only the worst case of an attack on the United States of America, it was the worst terrorist attack, I believe, in history, at least in modern history. It is something we can never forget. If we do, we will do so at our peril.

I believe perhaps some of the things that brought on this attack were the fact that we had forgotten some of the lessons of the past. I think it has been admirable since 9/11 that we have had the bipartisan commitment to standing strong in the face of this what I consider to be a barbaric challenge to civilization.

We call this the war on terror. I do not call it the war on terror. I call it the war on those people who made war on us that began on 9/11, and that war is a war on those people who believe in radical Islam, not Muslims in general, but those people who believe in radical Islam, and I will define that radical Islam as being a belief that people have a right because of their faith in God to murder innocent people and commit acts of violence on people of other faiths.

Today we need to stand united with all those people in the world, including those moderate Muslims throughout the world who disassociate themselves from this type of brutality and this type of philosophy that leads to the 9/11s and the slaughter of innocent people. Today more than ever as this resolution does, it proclaims that we will stand together as Americans, and we will stand together with all people of the world who believe in these decent values that I talk about today.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to another distinguished colleague from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend and distinguished colleague for yielding time to me, and I rise in strong support of the resolution. Being a New Yorker, no one feels the pain of September 11 more than we do. I happen to have been in New York on that fateful day, and my life will never be

the same, and I know the life of so many millions of Americans will never be the same.

I think this is a time for Congress to come together and to commemorate the struggle, to talk about September 11, to talk about what it means in all of our lives and to really bring the country together. September 11 was an incident that will forever remain in our lives. For me, it showed that the war on terrorism is a war that needs the participation of all Americans. It does not matter whether you are a Democrat or a Republican or an Independent, or black or white or brown, or from the North or the South or the East or the West. We are all Americans, and this is quite appropriate for Congress to come together.

There may be people who may disagree on a sentence or two here and there in this resolution, but basically I believe that we all ought to stick together and talk about September 11 and expressing the sense of the House of Representatives on the anniversary of the terrorist attacks.

I just want to say as a New Yorker, every time I look at Manhattan, it even chokes me up to begin to talk about it and look at the skyline of New York and see that the Twin Towers are no longer there. It leaves a hole in my heart, and that, of course, only pales by the fact that 3,000 people lost their lives, and countless others were injured. We can see based on what is happening in Russia and every other place, in Israel and every other place in the world, that terrorism is everybody's fight. It is our fight as Americans. It is the fight of all decent people. We have to stand together.

I rise in strong support of this resolution and ask my colleagues to vote for it so that we as a Congress can be united in the fight against terror.

Mr. LANTOS. Mr. Speaker, before yielding back my time, let me just say that while in this election season there is a cacophony of voices which might give the impression of deep divisions, in fact the American people are united in their determination not only to wage a war on terrorism, but to win that war on global terrorism wherever it appears.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I yield myself 2 minutes.

I just want to respond to a couple of the previous speakers who have injected the honesty of this resolution into question. You can disagree with somebody's point of view, as we often do, but questioning their honesty or their work product as dishonest I do not think has a place in this House. When it comes to the war in Iraq, you can say that by mentioning it in the resolution, and all it says is, whereas, since the U.S. was attacked, it led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq. I do not know what is dishonest about that, but you

can think it is if you wish. The fact is the war in Iraq was a response to the 9/11 assault, kamikaze, suicide bombers that killed over 3,000 people.

□ 1130

There had been a surfeit of U.N. resolutions, I think 14 or 15. It was the considered opinion of every single government in the West that had an intelligence service that Saddam Hussein had weapons of mass destruction. He had them before, he had the programs, and he used them. Therefore, having been assaulted, having been blind-sided by the aircraft, al Qaeda ran into the World Trade Center, we were not going to sit there and let it happen again. And based on the best intelligence, we responded to the sucker punch, blind-siding atrocities in the World Trade Center by moving into Iraq after getting another resolution demanding that he open up to inspection his weapons programs.

One can call that dishonest if they want. I call it leadership. And I am sorry that issue got into this resolution because we are commemorating heroines and heroes in one of the great tragedies in all of history, namely what happened September 11.

Mr. Speaker, I yield the balance of my time to the gentleman from Texas (Mr. DELAY).

Mr. DELAY. Mr. Speaker, I thank the chairman for yielding me this time. I appreciate his comments and his leadership in bringing this resolution to the floor, and I appreciate the bipartisan way he has done it, and appreciate the support of the gentleman from California (Mr. LANTOS).

And I really want to associate myself with the gentleman from California's (Mr. LANTOS) final remarks that no matter what we hear on this floor, Americans are united in this war and are united in how we approach the national security of this Nation. But I also want to say especially to those soldiers on the ground in harm's way, those young men and women that are fighting all over the world, most particularly in Iraq and Afghanistan, and to the families of those that have sacrificed their loved ones that the remarks made by those opposed to this resolution reflect a very small, tiny, tiny minority in this country. We are united in this country in support of those troops, and, most importantly, they need to understand that what they are doing is right, what they are dying for is right, and we greatly appreciate their sacrifice.

Mr. Speaker, by the way, the vote on this resolution will prove me right, that they are a very tiny minority.

Mr. Speaker, 3 years on, it is hard to believe so much time has passed, for September 11, 2001, still resonates in our hearts and minds as if it were yesterday. Yet at the same time, the panging memories of that day call out to us across the ages: 8:47 a.m. when the first plane hit; 10:05 a.m. when the South Tower collapsed; the look on the

President's face when he heard the news; the image of firefighters carrying the lifeless body of their chaplain; Mayor Giuliani, mask in hand, covered in ashy debris; the blood and the rubble; the attack on the Pentagon; the rumors, the panic, the fear, the desperate search for survivors; the defiant raising of the flag at Ground Zero; Flight 93, Todd Beamer, "Let's roll."

"Roll" we have, Mr. Speaker, from that day to this on land, on sea, and in the air. Our enemies have been named and their sponsors warned, and America has risen. The cause of human freedom has stood anew athwart the forces of oppression and cruelty and violence.

History and Providence have called out again for the free people of Earth to stand against evil, and the citizens of this Republic have kept their charge.

On September, 11, 2001, America stared evil in the face, and though our eyes filled with tears, we did not blink. We did not fear "though the Earth be shaken and mountains quake to the depths of the seas, though its waters rage and foam and mountains totter at its surging." We did not fear because we knew, even as the fires smoldered beneath the rubble, that we would stand, that we would fight, and that we would be heard.

We mourned that day the deaths of 3,000 of our countrymen at the hands of terror, and we mourn today more than 1,000 more whose lives have been taken by the same. We honor their courage, and we honor their sacrifice, and we give thanks and praise to our Creator that such men and women lived.

Three years on the recovery continues. The Pentagon has been repaired. The fields of Pennsylvania have been cleared, and Ground Zero has begun its resurrection. Unforgotten names have been read and reread, flags flown, and wounds reopened and healed once again. Memorials great and small have been planned and dedicated.

But, Mr. Speaker, monuments to freedom are never made of marble, but of action. Heroes like the 9/11 Lost, the firefighters and passengers, the cops and rescue workers, the moms and dads, are truly honored not by words, but by deeds.

The resolution before us today, Mr. Speaker, enumerates those deeds and the progress of the global struggle they have served. Three years on and the world has changed. Terrorist networks across the globe have been disrupted, and two-thirds of al Qaeda's leaders, managers, and facilitators have been arrested or killed. Terrorist regimes have been ended in Afghanistan and Iraq, ended by the finest coalition of states and soldiers ever assembled. The threat of that coalition led another terrorist regime in Libya to end its pursuit of weapons of mass destruction. Terrorists the world over are on the run, unable to organize, plan, or reconstitute their pre-9/11 training and operations. The war against terrorism, which was waged since at least the

first World Trade Center bombing in 1993 and probably long before, was joined on September 11, 2001, and in the 3 years since, the tide of that conflict has turned.

The United States has committed itself to the proposition that the security of our Nation and the ultimate survival of civilization depend on the aggressive prosecution of this war everywhere at all times until this war is won. There will be no negotiated settlement in this conflict, no signatures on a piece of parchment. Drums will continue to beat, and blood, much as we may not wish it, will continue to be shed. But, Mr. Speaker, struggle is the only honorable course before us.

The murderers of 9/11 are the enemies of all that is good and true in this world. And even through our tears this week, we still see clearly the justice and necessity of our cause. The ideology of our enemies, a violent corruption of their religion, and the cult of death that they worship have no place in civilized society, whether of the East or West, and it is now the policy of our Nation and our allies to repel this evil so that generations hence may be free from days like those that we live now.

It is said that 9/11 was "our Pearl Harbor." It was also said that "Pearl Harbor" was "our parents' Alamo" and that the Alamo was "Texas's Valley Forge." We fight today, Mr. Speaker, so that our children and our grandchildren decades from now need not come to the well of this House and remember a horrible day of their own as "our 9/11."

Three years on, Mr. Speaker, and we fight everywhere and anywhere we must. For the soldiers in Baghdad, their faces marred with sand and sweat and blood, they are fighting the same evil and upholding the same virtues as the Special Forces in Tora Bora and the guards at Guantanamo, fighting the same evil and upholding the same virtues as the men aboard Flight 93 and the firefighters in the South Tower and the rescue workers at the Pentagon. It is one and the same conflict. It is one and the same conflict, in which one and the same courage will purchase for this Nation one and the same victory.

Support this resolution before us, my colleagues, and reaffirm our commitment to remember those that we lost and those that they left behind, those who protected us and those who died trying, those who remember and those that we cannot forget, who it was that started this war and who it will be that wins it, so that every September 11 from now until the end of the age, free men of the world can look to this Nation, the last, best hope on Earth, and know that when evil struck and the earth trembled beneath us, here America rose, here freedom stood.

Mr. HASTERT. Mr. Speaker, almost 3 years ago, President Bush came to this Chamber and promised the American people that he would lead America in a war against the terrorists who attacked us on September 11th.

We did not choose this war. But now that we are in it, we have no choice but to win it.

Later today, we will pay our respects to those who lost their lives in those deadly attacks in New York, Virginia and Pennsylvania.

And as we pay our respects to those who died on that fateful day, we will also pay tribute to those who have died defending freedom in Iraq and Afghanistan.

This war is not over, but we are winning. And our soldiers have not died in vain. The Taliban has been crushed. Saddam Hussein is in jail. And Osama Bin Laden is on the run.

Last week, the brutal murder of innocent children in Russia served as a grim reminder about the nature of this enemy.

The terrorists will not play by the rules of basic decency. And we have no choice but to stop them before they strike again.

My deepest condolences go out to the Russian people. The American people understand your grief and feel your deep sense of loss.

And as we remember our own losses in this global war in terror, we share your resolve to bring the terrorists to justice.

Mr. MENENDEZ. Mr. Speaker, I rise in support of this resolution, though I wish it did not contain several of the so-called "findings".

On Saturday, we face the third anniversary of the 9/11 attacks. In my district alone, we lost 122 people on that tragic day. I can't tell you how many memorial services I attended for people in my own district, nor describe in words the sympathy and sorrow I felt for family members who lost loved ones from all over the country.

So, I will support this resolution as an expression of my deepest sympathies to families and friends of the thousands of victims of that fateful day.

I will support it as an expression of our Nation's gratitude and pride in our men and women in uniform who have performed with brilliance and valor in the war on terror and Operation Iraqi Freedom. To date, 1,005 Americans have made the ultimate sacrifice in support of our country in Iraq, while many others have done so around the world in the fight against terror.

This should be a time to bring together, to consult, to be unanimous. Instead, my colleagues on the other side of the aisle have chosen to use this resolution to speak about the handling of the war in Iraq. The resolution glosses over the intelligence failures and serious misstatements and flip-flops by the Bush Administration concerning the reason for going to war in Iraq.

One of the findings in the resolution states ". . . it has led an international military coalition in the destruction of two terrorist regimes in Afghanistan and Iraq . . ." Mr. Speaker, it appears the Republicans are trying to provide cover for one of the Bush Administration's main justifications for the war in Iraq. How many times has Vice President CHENEY and other top administration officials asserted that there were extensive ties between Hussein's government and Osama bin Laden's terrorist network? In fact, earlier this year, the Vice President said evidence of a link was "overwhelming."

However, the September 11 Commission found in its report that there is no "collaborative relationship" between Iraq and al Qaeda.

The resolution also lists some changes that have been made since the horrible attacks

against our Nation on 9/11. While these initial steps have been taken, the September 11 Commission Report has provided 41 specific recommendations that radically reshape our Nation's intelligence community. The Commission made it perfectly clear these changes must occur immediately to protect our Nation and our citizens now and in the future from any further attack.

It is shameful that the Republicans are using a crucial resolution that could express our collective sentiment as we did after September 11, and instead seek partisan gain out of what should be a national embrace.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, 3 years ago, cowardly terrorists attacked America. Today, in the building that symbolizes America's freedom, we remember those who died on that fateful day. The memory of their loss will forever guide our mission to protect America from terror.

Terrorism continues to plague our world, but it can not and it will not deter us from our mission to spread liberty and defend freedom.

I commend President Bush for his unwavering commitment to the security of the United States. The sacrifices that our brave men and women in uniform have made in pursuit of the security of our Nation will never be forgotten. And it is because of their dedication that two formerly oppressed nations are free and that our homeland is more secure.

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to mark the third anniversary of the September 11, 2001 terrorist attacks and to remember those who lose their lives that day, especially the residents of Connecticut and of my district.

We should take time on each anniversary of September 11, 2001 to honor the dead, their families and those who continue to serve as the nation's first lines of defense against acts of terrorism and disasters. We will not forget the selfless firefighters, police officers and emergency medical workers who confronted chaos and terror that day and lost their lives as they gave everything to save others. We owe a debt of gratitude that can never be fully repaid to the first responders and members of our military who continue to work each day protecting our communities and our nation. No matter how many years pass, our memories and our grief will not fade, nor will our determination to defeat terror throughout the world and attack its root causes. We must focus the incredible resources of this nation on capturing Osama bin Laden and destroying his al Qaeda network that are responsible for the events of that day. We would also be well served by implementing the recommendation made by the September 11th Commission to help prevent future attacks.

The nation will remain defiant in the face of terror and threats and must never waiver from the things that make us great: our freedom, our liberty and our democracy. To curtail the freedoms of Americans in the name of fighting our enemies would be a disservice to the memory of September 11 and every American who has given their life or put themselves in harm's way to defend this Nation and its people.

The profound outrage and indescribable sadness all Americans felt that day is now part of the soul of the Nation. Nothing can change what happened in New York, Pennsylvania or at the Pentagon, but we owe it to those who died to be the good citizens and to build a stronger Nation in their memory.

Mr. BACA. Mr. Speaker, this Saturday marks 3 years since the terrorist attacks of September 11, 2004.

Three years ago terrorists launched an attack on the United States in the most cowardly manner. They attempted to break American resolve and to stifle our Nation's spirit. They did not succeed. The terrorist attacks sparked a renewed patriotism in Americans. Three years later we resolve never to let another attack like September 11th happen again.

The anniversary of 9/11 is a solemn reminder that we must do all that we can as members of Congress to prevent another terrorist attack on American soil, or anywhere else in the world. We must act immediately to implement the recommendations of the 9/11 commission. We must focus our efforts on disbanding Al Qaeda and other terrorist groups. We must always remember the lives lost on September 11, 2001, and in honor of those lives do everything in our power to prevent terrorists from striking America again.

Ms. LEE. Mr. Speaker, I rise to honor the victims and remember the families of those who were killed in the horrible tragedy that occurred 3 years ago this coming Saturday, September 11th. We will always mourn the tragic loss of life and never forget the sacrifices made that day. Likewise, we will always support our troops and their well being.

Unfortunately, the resolution before us today goes far beyond paying tribute to the victims of 9/11. The resolution falsely reaffirms a connection between the attacks of 9/11 and the war in Iraq. These connections simply never existed and repeating this falsehood again and again will never make it true. The President's own 9/11 bipartisan commission has reported that there was no connection between Iraq and the 9/11 attacks. This resolution does a disservice to the American people.

The administration's preemptive, virtually unilateral war in Iraq has made us and indeed the world a less secure place. I cannot ignore the fact that over 1,000 American lives have been lost. Nor, can I disregard the significance of the 7,000 members of our Armed Forces that have been wounded including the untold thousands of Iraqi lives and the lives of other international non-combatants.

For these reasons, I am unable to support this resolution.

Mr. GREEN of Texas. Mr. Speaker, I rise today to pay respect to the memory of those who lost their lives 3 years ago this September 11th.

Our country has still not recovered from this terrible tragedy, and people in the World Trade Center Buildings and the Pentagon, those aboard United Flight 93 in Pennsylvania, and the brave men and women who lost their lives in the line of duty that day will forever be remembered for their bravery and sacrifice.

It was 3 years ago that these terrible attacks occurred and awakened this Nation to the hatred these terrorists have for the principles of freedom and for our great country.

Three years and two wars later, however, there is still much to be done to protect the people of this Nation and ensure something like the 9/11 attacks never takes place again.

It is still too easy for terrorists to cross our borders; our homeland security professional lack vital information they need to protect us; and our Nation's first responders still lack the training and equipment they need to prepare for, or respond to, a terrorist attack.

My hometown and the district I represent in Houston, is one of the most at-risk areas in the Nation.

Of all the possible targets in our area, including Houston's large metropolitan population, NASA's Johnson Space Center, and the Texas Medical Center, the Port of Houston and Houston's petrochemical complex remain one of the most susceptible due primarily to lack of Federal funding for our protection.

Based on Coast Guard estimates, port owners and operators are still short by over \$400 million to implement port security plan upgrades, such as surveillance cameras.

The U.S. is home to more than 66,000 chemical production and storage facilities spread out around our cities, towns, and rural areas.

According to the EPA, 7,000 of these facilities pose a risk to 10,000 or more people, however, the Department of Homeland Security has visited fewer than 100 facilities.

These facilities and surrounding communities deserve Federal support if we must increase their protection for national security.

These are necessary and vital steps we must take to protect our homeland, yet so many of these have gone unfunded while we have spent over \$200 billion in Iraq despite no clear connection between the former Iraqi government and the terrorists that target America.

Three years after we were forced into this war on terror, we must assess what we have done and what we must do to protect our Nation.

We must go after the terrorists where they live and train, with all countries that share our values and our desire to root out terrorism.

Mr. Speaker, on a day when we are remembering those that lost their lives in the 9/11 attacks, we must make every effort to protect the people of this country so that we never have to mourn another attack on U.S. soil.

Ms. SOLIS. Mr. Speaker, I rise today to mourn the victims of the attacks on American on September 11, 2001, and to celebrate the way Americans worked together to rise up from the ashes of the wreckage. In the 3 years since our soil was attacked, the service of America's Armed Forces, the scores of volunteers and first responders who have helped the victims and their families, and the many ordinary people who help out in times of tragedy and grief proved through their actions the true greatness of America.

There is a new reality in our world. America continues to strengthen its ability to defend itself against all types of enemies. But while we strengthen our defenses we must not forget that which makes America great and allows her to flourish—our civil liberties.

The United States must be both a leader and a partner in the world in order to stop senseless acts of violence. Diplomatic words and peaceful actions show an alternative to the use of force; I hope that both can ultimately lead to a world free from terror.

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today on behalf of the people of the 4th Congressional District to remember the thousands of American lives lost on September 11, 2001.

Although 3 years has passed, I continue to remember all the people in the towers, at the Pentagon, and on United Flight 93. I would especially like to recognize the people from Long Island who were killed. Also in my thoughts are the families who live everyday with the terrible loss of their loved ones.

I commend all of the firefighters, police, and health care workers who were helping on the front lines. I would also like to thank the thousands of Long Islanders who mobilized to do what they could to help. Finally, as a representative from New York, my constituents and I appreciate the generosity extended to us by the rest of the country during a time of such terrible grief.

While September 11 was a shocking day for all Americans, the Nation united in an extraordinary fashion to take action against the tragedy inflicted upon us. Today we must unite once more to implement the suggestions made by the 9/11 Commission Report, which I fully endorse. I believe that the 9/11 Commission should be extended so that it can fully support and monitor the bipartisan enacting of its recommendations until most have been made into law. I will continue to work to ensure that the commission's report is implemented quickly and with proper congressional oversight. We owe it to the thousands of victims' families to respond quickly and effectively to this terrible disaster.

We now know we were not as safe as we could have been on September 11. We need to find Osama bin Laden and finish the job we began in Afghanistan. We need to make sweeping changes to the Department of Homeland Security and ensure funding is increased for law enforcement agencies to handle new security threats. We must realize that state and local budgets are already stretched too thin and allocate federal funding to tighten security.

In keeping with the tremendous spirit of the Nation during the weeks following 9/11, I encourage everyone to do something this September 11 that shows the world what it means to be an American. You can donate blood, write a letter to someone in the military, or volunteer at a women's shelter. Make the anniversary about more than just remembering those we lost.

Mr. WEXLER. Mr. Speaker, while I strongly believe Congress should pay tribute to the victims of 9/11 and honor our brave troops and first-responders for their valiant service to America, this resolution unequivocally exploits the victims of 9/11 for narrow political purposes and perpetuates erroneous claims connecting 9/11 to the war in Iraq.

The bi-partisan 9/11 Commission declared—in no uncertain terms—that there was no connection between 9/11, al Qaeda and Iraq. For those who support this resolution, I must ask—is Congress disputing the findings of the 9/11 Commission? Does Congress believe al Qaeda operated in Iraq prior to the U.S. invasion? And is Congress pleased with the insufficient coalition assembled by President Bush that has led America to carry an overwhelming economic and military burden in Iraq? The facts show that these claims are distortions at best, blatant lies and manipulations at worst, and the American people deserve the truth.

The truth is that America took its eye off the ball in Afghanistan, allowing terrorists such as Osama bin Laden to reconstitute their forces and operate freely. By transferring our military resources from Afghanistan to Iraq—when Iraq posed no imminent threat and had no weapons of mass destruction—this Administration failed the American people and weakened our efforts in the war against terror.

The truth is that al Qaeda was not operating in Iraq prior to the U.S. invasion, and they

have created an increasingly dangerous network in this war-torn country since. Despite the Bush Administration's claims of successfully combating terror in Iraq, the reality on the ground stands in stark contradiction. We have withdrawn our forces from four cities in Iraq in which terror has flourished. And despite White House claims, officials in the U.S. military have announced that it cannot eliminate these sanctuaries of terror. As we mark the loss of over 1,000 innocent lives in Iraq, Congress should not be celebrating our alleged success in Iraq; we should instead examine our failures.

This resolution is transparent, empty political propaganda at its worst, and is unconscionable that the drafters of this resolution would egregiously politicize the memory of 9/11.

Mr. CRENSHAW. Mr. Speaker, on this third year since the tragic terrorist attacks of September 11, 2001, I think it is appropriate for Americans to reflect on what we have learned since that fateful day, what we have done to make our homeland safer, and what we as a nation should do to secure our safety in the future.

Our Nation, and indeed the world, has learned that terrorism is a global epidemic that crosses all political lines and moral boundaries. Most recently, the terror attacks in Beslan, Russia prove that no country and no person is immune from the cowardice and tragedy of terrorism.

In these 3 years we have learned that U.S. leadership is necessary and working to stifle terrorists bent on killing, disrupting, and destroying our way of life. Afghanistan was the home base of Osama bin Laden's al Qaeda terrorist network, but now the terror camps are closed, democracy is rising, and the American people are safer. Pakistan was a safe transit point for terrorists on missions of murder. Now their government is working with the United States to find terrorists in remote regions of Pakistan. Saudi Arabia is tracking down terrorists operating there. Libya has given up its nuclear-processing equipment.

Before America took action, Saddam Hussein's Iraq was a threat—he was a threat to us; he was a threat to the free world; he was a threat to the Middle East; and he was a threat to his own people. He is no longer a threat, and the American people are safer. We removed a declared enemy of America who had the capability of producing weapons of mass destruction. Saddam Hussein had that capability, and he could have passed that capability to terrorists bent on acquiring them. After September 11, that is a risk we cannot afford to take. America must confront threats before they fully materialize—before it's too late.

These international actions have made our domestic borders more secure.

The United States has also used the 3 years since 9/11 to better equip our Nation's first responders. Police, firefighters, emergency medical technicians, and local government officials now have the tools, knowledge, and training to prevent or react to a terrorist attack. Congress created the Homeland Security Department to coordinate efforts to secure our borders, our air, and our seaports. The department monitors for potential threats coming from nontraditional sources aimed at our cities and our national infrastructure.

These three years of accomplishments include something especially important to my

hometown of Jacksonville. As one of the busiest seaports on the east coast, port security is critical to securing the homeland from foreign-bred tools of terror. Recognizing that cargo containers could bring dangerous items of an explosive, biological, or even nuclear danger, the Container Security Initiative is an initiative to protect the global trading system and the trade lanes between international ports and the United States. Under this program, a team of Customs and Border Protection officers is deployed to work with host nation counterparts to target all containers that pose a potential threat to our Nation.

It is clear a lot of progress has been made in the global war against terrorism. It is equally clear we have more to do.

In addition to building on the lessons of 9/11, improving our homeland security, and eradicating terrorist organizations, I believe America's charge going forward is to continue to lead by example. Our Nation must welcome with open arms our allies who join this fight. Our Nation must continue to export democracy to any burgeoning nation willing to embrace its principles. We ought to let our policies and principles of life, liberty, and the pursuit of happiness shine brightly over the grim allure of the hollow creeds of terrorists.

Looking forward, threats to this country in terms of terrorism are not going to come from rival global powers. They are going to come from the smaller emerging countries, smaller failing countries. Those are countries where they lack education, they lack the rule of law, they lack personal freedom; and those are countries where terrorism can flourish, where terrorism can fester, where terrorists can find sanctuary. If we want to deal with those kinds of threats, it seems to me we can prevent that from happening by encouraging policies like the rule of law, human rights, and civil liberties. We can encourage countries through targeted and goal-based foreign aid that will prevent terrorists from taking root in unstable countries.

This September 11, I know many Americans will pay tribute to those lost 3 years ago. I add my voice to that tribute and say that I am proud of America, I am proud of Americans, I am proud of our troops here and abroad, and I am proud of our Commander in Chief. This day let us pray for those still hurting from the tragic losses of September 11, 2001, and let us as a nation continue working toward those goals that will prevent this tragedy from ever visiting us again.

Mr. MEEKS of New York. Mr. Speaker, this weekend we pause to remember the third anniversary of the September 11, 2001, terrorist attacks on the World Trade Center and the Pentagon. We pause to recollect the full meaning of the lives lost—nearly 3,000 Americans and foreign nationals. Our compatriots were not just casualty figures. They were mothers and fathers, sisters and brothers, sons and daughters. They were best friends and good neighborhoods. They were lovers and loved ones. They were employers and employees. Their best contributions were still ahead of them.

We pause to recall the first responders who rescued thousands from the twin towers. We recall with amazement their bravery as they went into the towering infernos. And we recall that had it not been for heroic action of passengers aboard Flight 93, al Qaeda's terrorists might have crashed that airliner into the White

House or the Capitol Building instead of a field in rural Pennsylvania.

On this third anniversary of 9/11, we also pause to reaffirm our determination to triumph over fear. We reaffirm our determination to foster tolerance in our land and in the world, to build respect for all faiths, and to promote the collaborative action of people and governments across the globe, to mobilize for mutual development rather than the civilizational destruction advocated by Osama bin Laden, al Qaeda, and other adherents of radical Islamist fundamentalism.

On this day and this occasion, our thoughts turn to the survivors of 9/11 and the families of the victims of the 9/11 attacks. It is impossible to calculate their enduring pain. Yet, we are inspired by how these families have turned their tragedy into effective action. Their dedication to the memory of loved ones lost led to the creation of the 9/11 commission, which in turn led to a set of recommendations for intelligence and homeland security reform that if implemented could better protect our nation, make us for secure, and positioned to share peace and prosperity with the world.

As a country, we must be as determined as the 9/11 families. We must be as determined now as we were on 9/11 to bring to justice the perpetrators of this colossal assault on human decency. But, mindful of all that has transpired since then—on the one hand a just but unfinished war in Afghanistan, on the other hand a disastrous diversion and unparalleled miscalculation in Iraq—we must proceed in meeting the al Qaeda challenge with wise leadership, with patience and persistence, with global allies, with sound plans, with focused effort.

Most of all, we must proceed together as Americans. We must reclaim the unity of purpose that gripped all of us on 9/11. I remember well utter destruction that took place on that beautiful September morning. But, I remember even better how every New Yorker, every American—Democrats, Republicans, Independents, Blacks, Whites, Hispanics, Asians, and Arabs, Jews, gentiles, and Muslims, rich and poor—came together as one.

We must reclaim that spirit and that purpose. We must overcome those among us who have distracted us by using our suffering as a nation for narrow and selfish political gain or have diverted resources, personnel, time, and energy from the struggle against Osama bin Laden and al Qaeda. We must regain the momentum and solidarity befitting a great people and a great nation focused on accomplishing great deeds of remembrance for the victims of 9/11.

Mr. STUPAK. Mr. Speaker, H. Res. 757, is a resolution to mark the anniversary of the terrorist attacks of September 11. Although I voted in support of this resolution, I do have some reservations about the statements it contains.

Specifically, the resolution and the Bush administration's assertion that Iraq is the "central front" in the war on terror—while previously wrong—has become a self-fulfilling prophecy.

What have the administration's tactics amounted to? We now see terrorists in Baghdad—where none were before. We now see Iraq is a symbol for terrorist recruitment—where no symbol existed before.

Congress and the American people trusted the President when he said we needed to go to war in Iraq. It is clear that trust was misplaced.

As a result, what we have to show from trusting President Bush and his administration is 1,000 American lives lost, close to 7,000 of our men and women wounded. We have a military stretched so thin it is practically to its breaking point. We are spending billions of taxpayer dollars each month that we could be using to fix critical gaping homeland security vulnerabilities here at home or for counterterrorism operations in Afghanistan and elsewhere. And this Administration has destroyed our international credibility—even with many of our closest allies.

We know the President's justifications for going to war in Iraq have proven to be false—even experts within the administration have stated that Saddam Hussein did not possess weapons of mass destruction. The independent, bipartisan 9/11 Commission unequivocally found that Iraq had no ties to the 9/11 attacks and there was no collaborative relationship between Hussein's regime and al Qaeda.

The American people deserve the truth. The truth is not that we entered into war in Iraq because Saddam Hussein possessed weapons of mass destruction or on the basis of terrorism. The truth is that this administration used September 11 as an excuse to enter into a war in Iraq to oust Saddam Hussein—and has, in the process, created a rallying cry and call to arms for terrorists around the world as a result.

Mr. WOLF. Mr. Speaker, I rise today to support H. Res. 757, marking the third anniversary of the terrorist attacks against the United States.

Three years after this attack, our Nation continues to honor and remember all of those who died that day, and the families and loved ones who they left behind. On that September day, the lives of innocent Americans were lost. But on that day, and nearly everyday since then, our Nation has gained something extraordinary out of that loss: a new and deeper appreciation of the countless acts of courage, sacrifice, and patriotism that resulted from September 11.

These acts began right after the terrorists struck our Nation. First responders in New York City, and at the Pentagon and in Pennsylvania risked their lives to try and aid those who were injured. They worked for days to help those who needed medical attention, as police officers and firefighters did their work to extinguish the flames and provide a sense of order. In the years after September 11, first responders and other members of our law enforcement community—including the Capitol Police—have had a great burden placed on them as America remains on alert for terrorist acts. These acts of sacrifice on September 11 in helping to keep our Nation safe in the wake of that day's attacks have earned the admiration and thanks of all of our citizens.

Thirty people from my district died on September 11. We grieve for their loss, and we grieve still because, as Queen Elizabeth explained after September 11, "grief is the price we pay for love." Out of this grief, though, our neighborhoods, the communities of my district, and communities throughout the Nation have drawn closer together, united in a sense of remembrance for those who left us on September 11, and determined that those who seek to harm us in our own land will not triumph.

It is these communities who have sent their sons and daughters to give their lives in Afghanistan and Iraq, and wherever in the world terrorists uneasily rest their heads. My district knows first hand the cost of this sacrifice. Johnny Micheal Spann—a CIA officer and the first American killed in Afghanistan—was from my district. And while we grieve for this loss, we take inspiration from the sacrifices made by Mr. Spann, and the many other acts of sacrifice made by those like him who are serving our country in and out of uniform, overseas and at home.

This resolution marks a dark day in our Nation's history. Out of this darkness came a thousand points of light in the many personal acts of heroism and bravery that our fellow countrymen and women have engaged in since September 11. As we continue to remember the terrorist attacks on September 11, we also are inspired by those who sacrifice day after day to keep us safe, some in ways that are well known, other in ways that we will never know about.

Our Nation continues to make progress in the war against those who harmed us and seek to harm us again. And while we do, a grateful country remembers its dead, and celebrates the lives of those who toil to keep us free.

Ms. MCCARTHY of Missouri. Mr. Speaker, our thoughts and prayers are with the families and friends of the nearly 3,000 heroic Americans who perished on September 11, 2001. We can honor their memory by ensuring every effort is taken to prevent such atrocities from occurring again on our soil.

Since September 11, 2001, we have learned much, and Congress has much to do to defend our democratic way of life and protect our homeland. We have committed our military might to combat terrorism in our world: More than 1,000 of our troops have now given their lives in Iraq for this cause.

In the days immediately following the 9/11 attacks, Congress put partisan politics aside and came together to find answers and implement change. In an event reminiscent of the first Congress, the House and Senate convened in New York's Federal Hall for a Special Session of Congress one year after the terrorist attacks, sending a strong message to the world that as Americans we stand together in our fight against terrorism. That bipartisan spirit carried on through the extraordinary work of the bipartisan 9/11 Commission. The commissioners submitted to the American people a comprehensive assessment of what went wrong leading up to September 11, and what we can do to prevent future terrorist attacks on our homeland. Now that the 9/11 Commission has done its work, we in Congress must do ours. I support the Commission's recommendations, and am a cosponsor of the bipartisan "9/11 Commission Report Implementation Act," H.R. 5040.

I have listened and learned from meetings with first responders in Missouri's Fifth District, and have worked on the Homeland Security Committee in Congress to secure the resources they need to do their jobs. Our everyday heroes, our police, fire, ambulance and medical personnel must have the training, supplies, materials and equipment necessary to protect our communities. They are the main line of defense against terrorism at home. Because of their commitment we are more secure and better prepared than we were 3 years ago.

I urge my colleagues to maintain our bipartisan spirit and embrace the recommendations of the 9/11 Commission. The 9/11 Commission Report is an excellent roadmap for implementing these changes—we must act and pass H.R. 5040. In the words of President Kennedy, "There are risks and costs to a program of action. But they are far less than the long range risks and costs of inaction."

Mr. PAUL. Mr. Speaker, I am forced to rise in opposition to this legislation, I do so despite my desire to commemorate the horrific attacks on September 11, 2001 and again express my sympathy to the families of the victims. But don't be fooled by the label. This legislation is no mere commemoration of the events of September 11, 2001. Rather, it is page after page of Congressional self-congratulation. It is page after page of praise for policies that have made us no safer from terrorist attack, but that have certainly made us much less free at home. Does it not strike anyone else as a bit unseemly for Congress to be congratulating itself on this solemn occasion?

This legislation is an endorsement of the policy of restricting freedoms at home that I have consistently opposed, including praise for the creation of the bloated and impotent Department of Homeland Security, the liberty-killing PATRIOT Act, and many other futile measures. It praises the notoriously ineffective air marshal program while avoiding altogether one of the most important lessons of the September 11, 2001 tragedy: The entire disaster could have been avoided with just one gun in the hands of each of the pilots. Four guns could have prevented September 11, 2001, but we are no closer to arming pilots than we were on September 10, 2001. Shortly after the attacks, I introduced a bill to allow pilots to be armed. Eventually, a version of that bill was passed, but pilots are still not armed. I also introduced several other bills to deal with the attacks of 9/11, protect us against future attacks, and do so without sacrificing our liberty.

What this legislation does not do is address some of the real causes of the hatred that lead others to wish to harm us. Why should we bother to understand the motivations of madmen and murderers? It is not to sympathize with them or their cause. It is to ensure our self-preservation. Those who oppose us and who have attacked us have made it very clear: They oppose our foreign policy of interventionism and meddling, and they oppose our one-sided approach to the Middle East. Therefore, mitigating the anger against us could be as simple as returning to the foreign policy recommended by our forefathers. We should not be stationing hundreds of thousands of our troops in more than 100 foreign countries, guarding their borders while our own remain open to terrorist infiltration. We should not be meddling in the internal affairs of foreign countries, nor should we be involving ourselves in foreign conflicts that have nothing to do with the United States. We should not be sending hundreds of billions of taxpayer dollars overseas to "build nations" and "export democracy" at the barrel of a gun.

Many of my colleagues like to repeat the mantra that "freedom is under attack" in the United States. Well, they are right. Freedom is under attack in the United States, but not only from foreign terrorists. Freedom is under attack from a government that rushes to pass legislation like the PATRIOT Act, that guts civil liberties in the United States. Freedom is

under attack from those who are rushing to create a national biometric identification card and internal check-points, which will force innocent Americans to prove to government authorities that they are not terrorists. Freedom is under attack from a government that is spending itself into bankruptcy at an unprecedented pace. Freedom is under attack from a foreign policy that generates millions of enemies across the globe.

This legislation praises the number of Coast Guard boardings as one example of success, but we should not take a false sense of security from boardings. Rather, we should claim victories only if we have stopped another planned attack. Both shippers and recreational users of the gulf ports I represent have expressed concern about our new Federal policies and practices.

If we fail to heed the real lessons of September 11, 2001, we may well be condemned to see such tragedies repeated again in our land. It unfortunately seems that this is exactly what we are doing.

Mr. CASTLE. Mr. Speaker, as we approach the 3-year anniversary of the brutal terrorist attacks on our Nation, it is important that we remember those who lost their lives and the loved ones they left behind to face a world that is forever changed.

The senseless acts of violence that awoke us 3 years ago, have gripped our thoughts and have given us a new appreciation for the freedoms we cherish. This weekend, as we mourn the loss of those who perished in the attacks, we should also celebrate their lives and look back on how each symbolized, in their own unique way, the unrelenting American spirit which binds us all to that clear September day.

Like the rest of our Nation, my home State of Delaware experienced a great deal of tragedy on September 11, 2001. Bobby Fangman, Matthew Flocco, Jon Grabowski, Robert Jordan, John Murray, Davis "Deeg" Sezna Jr., and Rich Stewart, all fellow Delawareans, were taken during the attacks on the World Trade Center and the Pentagon. In addition, Val Silver Ellis, Peter Frank, Michael San Philip, Lincoln Quappe, Kevin Smith, Bill Tieste, Rodney Wotton and many others left loved ones behind in our State.

As a Nation, we have experienced the unthinkable and emerged again with determination and purpose. Yet, as we reflect on the past 3 years, there remains an enormous amount left to be done. Now is the time for us to come together in the heroic spirit of the citizens, firefighters, police officers, and emergency personnel who stood tall in the face of destruction. Congress must keep the memories of all the September 11th victims in mind as we do everything in our power to prevent something like this from ever happening again.

As we struggle to make progress in this momentous task, it is imperative that we remain focused and work together to reform our intelligence community and shore up the security of our homeland to protect all Americans. We have the power in Congress to implement change, but we must ensure that change is both meaningful and effective. One of the most important lessons that the victims of this tragedy can teach us is that every life is precious and that every action we take to improve our security could save lives in places like Delaware and across America.

Mr. Speaker, it is our duty to honor those who were lost by making sure their loved ones



remain safe from fear and intimidation. We must keep their memories with us as we fight to protect our freedoms.

Mr. EVERETT. Mr. Speaker, 3 years have passed since terrorists declared war on the United States by launching 4 horrific attacks on our homeland, murdering nearly 3,000 persons. Our Nation, under the leadership of a determined President and a united Congress, quickly summoned the courage to not only bring the terrorists to justice, but to make it tougher for them to attack us again.

The collective national loss we felt on September 11, 2001 is no less painful today. How can any American alive and old enough to grasp the tragedy as it unfolded 3 years ago ever forget the rapid fall of the World Trade Center towers, the smoke billowing out of the Pentagon, or the 4 civilian jetliners that were deliberately brought to their destruction?

In that solemn hour, our President rightly resolved to take the fight to the terrorists and not to stop until justice prevailed. Here we are, 3 years later and still very much in the war on terror. What is remarkable to me is not that America is still waging the battle to keep our communities safe from future terrorist attack, but that some politicians actually question our motives and even appear willing to lower our guard if given the chance. Such shortsightedness on their part is not only naive, but downright dangerous.

9/11 was not only an attack on America, but upon the free people of the world. In the months that followed, President Bush declared that terrorists and the countries that sponsored them would be considered our enemies and we would take military action against them if necessary. After the brutal Taliban regime of Afghanistan refused to turn over their Al Qaeda guests and close their training camps, the United States forced them from power and made Afghanistan an ally against terrorism.

Iraq's Saddam Hussein did not believe the United States was serious about holding his government accountable for its weapons deception and support of terrorism. He was wrong. He was also swept from power and his nation's capability to aid terrorism has been halted. Pakistan and Libya are also cooperating with the United States in ending the risk of weapons of mass destruction falling into terrorist hands.

Today, American troops remain in Afghanistan and Iraq where there is still work to be done before the new governments of these nations can assume total control of their own security. We are also on guard here at home, tightening security to reduce the likelihood that terrorists can again attack innocent civilians. For sure, terrorists have tried to conduct more attacks since 9/11, only to be stopped by measures already in place. More can and will be done to improve our homeland security.

The terrible events of 9/11 changed our world. Despite some politicians' refusal to accept it, these acts of terrorism were a declaration of war against our society by those who fear nothing but brute force. If we want our children to enjoy a safer life, we must be committed to stand up to terrorists and stop them before they can attack us. If we do otherwise, we will surely invite future 9/11s.

Mr. KIND. Mr. Speaker, I rise today in support of House Resolution 757, "expressing the sense of the House of Representatives on the anniversary of the terrorist attacks launched against the United States on September 11, 2001."

The terrorist attacks on New York and Washington on September 11th were monstrous and cowardly acts that will be forever etched in our national memory. In remembrance of that tragic day, I wish to express my condolences, and the condolences of a mournful Nation, to all those who suffered losses. Today, America again honors the courage and bravery of those who willingly risked their lives to save others, and recognizes those dedicated men and women in service now, defending worldwide peace and security.

In the 3 years since the terrible acts of September 11th, the United States has taken various steps toward preventing another attack on our country. Immediately following September 11th, our country began fighting a global war on terrorism to protect America and our friends and allies. In addition, Congress has created a Department of Homeland Security and reorganized several intelligence departments. All of these steps were taken to make America safer.

As a member of Congress, one of my top priorities is protecting the citizens I represent, and if there is any issue that should lead to crossing party lines, it is protecting our Nation.

Recently, the bipartisan September 11th Commission finalized its report with 41 recommendations that they feel would not only make America safer, but would make the world safer. I am proud to be an original co-sponsor of the bipartisan 9/11 Commission Report Implementation Act. This bill would enact into law the 9/11 Commission's 41 recommendations.

On this solemn day, I again stand up to recognize our brave men and women that tragically lost their lives on that fateful day in September of 2001. I wish to show my deepest appreciation to our military men and women fighting terrorism around the world. The opportunity is upon us to make serious and thoughtful change and to ensure that another tragedy does not befall our Nation.

Ms. LOFGREN. Mr. Speaker, today I extend my "deepest sympathies to the thousands of innocent victims of the September 11, 2001, terrorist attacks, their families, friends, and loved ones."

There is no doubt that I honor "the heroic actions and the sacrifice of United States military and civilian personnel and their families who have sacrificed much, including their lives and health, in defense of their country in the Global War on Terrorism."

"[I honor] the heroic actions of first responders, law enforcement personnel, State and local officials, volunteers, and others who aided the innocent victims and, in so doing, bravely risked their own lives and long-term health."

I express "thanks and gratitude to the foreign leaders and citizens of all Nations who have assisted and continue to stand in solidarity with the United States against terrorism in the aftermath of the September 11, 2001, terrorist attacks."

There is no question that I "[discourage], in the strongest possible terms, any effort to confuse the Global War on Terrorism with a war on any people or any faith."

Today I reaffirm our "commitment to the Global War on Terrorism and to providing the United States Armed Forces with the resources and support to wage it effectively and safely."

As we all have done in this Congress over the last 3 years, I also "vow that we will con-

tinue to take whatever actions necessary to identify, intercept, and disrupt terrorists and their activities."

And, today I also "reaffirm that the American people will never forget the sacrifices made on September 11, 2001, and will never bow to terrorists."

Yes, I strongly agree with these provisions of the 9/11 resolution passed by this House today. However, I do not agree with other provisions that distort the facts and, in some cases, are simply false. Therefore, I cannot vote for this resolution.

The Bush Administration has not "[strengthened] the authority of the Director of Central Intelligence to coordinate national intelligence activities." In fact, Congress is currently embroiled in that debate prompted by the 9/11 Commission Report, not by the Bush Administration.

Yes, the Administration has finally "initiated . . . the Container Security Initiative, to extend our borders overseas and to secure and screen cargo before it is placed on ships destined for United States ports of entry." However, initiation of a program is a far cry from fully administering the program and contributing to our homeland security. The Container Security Initiative is, so far, a failure.

The resolution gives us the false impression that the US-VISIT border security screening system is fully operational and ensuring our homeland security. Yet, the Administration has not even connected US-VISIT port of entry systems to a central database that can handle immediate screenings upon entry.

Yes, as the 9/11 resolution states, "a multi-agency partnership, was established to integrate the dozens of separate terrorist databases" after 9/11. However, 3 years later, we still have multiple watch lists. The FBI's Terrorist Screening Center (TSC)—designed to be the central repository for terrorist-related watch list information—is still not complete and linked electronically to all law enforcement agencies. The DHS's Homeland Security Information Network (HSIN) competes with at least 2 other Federal networks that are designed to share homeland security information between Federal, State and local officials. State and local officials still lack basic Federal security clearances needed to do their jobs. What has the Administration been doing for 3 years?

9/11 is truly a day of solace, a day to remember the victims of 9/11, a day to give thanks to those who have sacrificed so much to keep this country safe, and a day to reaffirm our commitment to the war on terror. This is also a time to honor those we lost on that terrible day and those we have lost in the fight against terrorism since.

The real way to honor those we lost would have been to do a competent job of preventing terrorism from succeeding again. But saying we have taken action is not the same thing as actually taking action. The representations about our successes in this resolution are mostly false. We should not lie to the American people about this.

The last thing this day should represent is praise for what really are failures of the Bush Administration to secure our homeland.

Mr. STARK. Mr. Speaker, I rise to honor the memory of the victims of September 11th and their families. We remember these Americans today and commend the bravery and courage of all those who came to their aid that day—many of whom selflessly gave their lives. We

will never forget their sacrifice and heroism. As a Nation, we are unified in our commitment to each other.

We ought to stand together now just as we stood together on September 11, 2001, and the days after in solemn remembrance. That is why I am disappointed to see Republicans politicizing this horrific day with this partisan resolution, which I cannot in good conscience support.

I fully support our troops. I am committed to defending our Nation against terrorism. I will not, however, endorse the Administration's foreign policy, which I strongly oppose. The effort to use the attacks of September 11th to legitimize the war against Iraq or the future, indiscriminate use of military force at any cost is wrong.

We must see September 11th as a reminder of what our Nation stands for—as was eloquently demonstrated by so many Americans on that horrible day. We must rededicate our Nation to compassionately fulfilling our ideals while recognizing our responsibility to lead the world by example, rather than by force.

It is from this dark day that America must resolve to pursue peace, cooperation and understanding throughout the world. We must be committed to upholding democracy and human rights while working to improve the material conditions of people around the globe. Working for a safer, more humane world is our best defense against terrorists and our best hope for a more secure America.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today in strong and solemn support of this resolution, which marks the anniversary of the most deadly terrorist attack in history. September 11, 2001 is a day none of us will ever forget.

We continue to mourn, along with the loved ones of the departed, the loss of nearly 3,000 innocent lives. We celebrate the spirit of selflessness that led so many brave firefighters, police officers and other emergency personnel to risk—and in some cases, lose—their lives trying to save others. And we remain in awe of the passengers of Flight 93, who took the defense of our homeland into their own hands and sacrificed their own lives in the process.

The tragic events of that day have spurred this Nation to a new sense of purpose, a recognition of the need to fight terrorism head-on and to lead an international coalition to spread the powerful ideals of freedom and democracy to corners of the world that have for too long struggled in the shadows of totalitarianism.

We have turned the darkness of terrorism into the light of opportunity—our greatest challenge has become our greatest strength. I urge passage of H. Res. 757.

Mr. SMITH of Michigan. Mr. Speaker, I submit for the RECORD my friend Grandmaster Jhoon Rhee's Open Letter of September 10, 2004 to the Honorable George W. Bush, President of the United States.

President George H.W. Bush named Jhoon Rhee the 721st "Point of Light" for his voluntary work to help others and served as a member of the White House Commission on Asian Americans and Pacific Islanders until June 2004.

His letter is as follows:

Dear President Bush:

On the tragic event of September 11, 2001, I wish to thank you for your efforts to defend our Nation and our freedom. All Americans should join in prayer for you as you cer-

tainly have one of the most challenging jobs in the world.

God bless the Forces of Might for Right, the soldiers, sailors, airmen, Marines, and National Guard who serve in harm's way, far away from their loved ones, to safeguard and defend us. God bless the policemen, firemen, border patrol officers, emergency first responders, and all those who work here at home to safeguard and protect our Nation.

The martial arts community joins you in thanking all of those who serve and protect us as a Nation and a people. The terrorists assaulted our country on 9/11, but they didn't destroy our spirit.

Mr. President, your seal of office shows an eagle grasping both the arrows of war and the olive branch of peace. We in the martial arts have always taught these twin precepts. We believe, and practice, that it is best to be prepared and capable to defend yourself, while seeking the path of peace and love.

In remembrance of the terrible tragedies surrounding the date of 9/11, the martial arts community is taking action on the philosophies of peace and respect. Our plan is to both help heal our old wounds and turn around the ongoing battle to maintain the positive spirit of America. Beginning today, as every day is a new beginning, American martial artists have declared 9/11 to be "Acts of Kindness Day," and will go forth doing Acts of Kindness on 9/11—and year-round—to demonstrate to the world the American spiritual tradition. This year's goal among America's martial artists is to perform one million acts of kindness between September 11 and October 11, 2004.

More on our "Acts of Kindness" initiative, launched by martial arts teachers Tom Callos, Fariborz Azhakh, Ken Carlson and myself, can be found at [www.911aok.com](http://www.911aok.com).

We would like to ask you sir, as President of the United States, to declare 9/11 to be an annual Acts of Kindness Day, urging all Americans to perform unselfish acts to help others, to answer hatred and terror with kindness and love. That is the American spiritual tradition we are proud of and, we think, the ultimate way to offer tribute to the men, women, and children who perished that day. We ask you to help us carry this message from the martial arts community to all Americans and to the world. Thank you. God bless you.

Mr. MATHESON. Mr. Speaker, events on September 11, 2001, changed America forever. Nearly 3,000 Americans lost their lives, including 366 police and fire fighters who rushed into the burning Twin Towers.

In the aftermath of those terrible hours and days, we emerged from our shock and grief with the knowledge that life in our country would never be the same. The heroes of 9-11—the passengers aboard United Flight 93, first-responders, doctors, nurses, search and rescue teams—inspired us and gave us hope. Images of bravery soon replaced those of brutality.

The terrorist threat is ongoing. The risk that we will be attacked again here at home is real. Our men and women in uniform are putting their lives on the line in the most dangerous parts of the world. More than 1,000 have paid the ultimate price. We honor their sacrifice and their commitment to duty.

We have made progress in the fight against this insidious enemy. But we still have much to do. We must employ technology to protect our ports, our energy infrastructure, and our food supply. We must reform our intelligence-gathering program. We must continue to improve our ability to respond to an emergency. We must do it all without trampling on the civil

liberties of our citizens, because we treasure our free and open society that terrorists seek to destroy.

We pause today in solemn remembrance of that defining day and in honor of this great Nation.

Mr. DOGGETT. Mr. Speaker, there is no doubt that I and all of my colleagues in the House of Representatives share a profound sorrow and outrage about the tragedy of September 11th and extend our deepest sympathies to the families of the victims and our greatest gratitude for the heroism of the first-responders who risked their lives to save the lives of others. We all honor the sacrifice of those serving in uniform and the sacrifice of their families. I regret, though, that we do not have the opportunity today to a vote on a resolution that would express such worthy sentiments without advancing a partisan agenda.

I join in supporting this resolution although I have serious reservations about certain provisions. I am particularly disappointed to see that the misguided invasion of Iraq is linked to the attacks of September 11th. The Administration's mismanagement of the Iraq war continues to divert attention and resources away from our efforts to capture Osama bin Laden, who launched the terrorist attacks of September 11th. It is particularly ironic that this language is offered the very week we mark the tragic loss of over 1,000 brave men and women in Iraq.

I would also like to note my strong reservations about the reference to the US-VISIT program in this resolution. Although the Department of Homeland Security has described US-VISIT as "an important new element in the global war against terrorism," a Senate Judiciary report concluded that "implementing an automated entry/exit control system [such as US-VISIT] has absolutely nothing to do with . . . halting the entry of terrorists into the United States. An automated entry/exit control system will at best provide information only on those who have overstayed their visas."

US-VISIT is hurting businesses and families in McAllen, Pharr, and La Jolla and other communities along the U.S.-Mexico border by disrupting international trade. Under current DHS policies, Canadian visitors may stay up to 6 months and travel anywhere in the United States without obtaining any visa or enduring any immigration paperwork. In contrast, visitors from Mexico must go through an extensive process to obtain a B1/B2 laser visa (also known as a Border Crossing Card), which only allows a 30-day stay within a restricted zone close to the Mexican border. These restrictions make little national security sense given that the only known entries of terrorist across our land border have been from Canada, not Mexico.

Unfortunately, given the disparity in treatment of visitors from our 2 closest neighbors, Mexico and Canada, US-VISIT is more about stopping migration from Mexico than it is about national security.

I am also concerned that the resolution does not express the importance of balancing the protection of our country from future terrorist attacks with the need to protect the civil liberties of our citizens. We must not sacrifice our democracy in a misguided attempt to save it.

Those who lost loved ones on September 11th, those who came to their aid, and those who serve our country in uniform deserve our

recognition and support in a resolution unencumbered by a partisan agenda.

Mr. LINDER. Mr. Speaker, I rise in strong support of H. Res. 757. Three years have passed since a beautiful September day was shattered by terrorists who despised the thought of a Nation that allows its people the freedom to live and worship as they choose. I agree with President George W. Bush that "the terrorists are offended not merely by our policies—they are offended by our existence as free Nations."

I looked back on some of the things we said in the days following the attacks of September 11, 2001. We said that these were acts of war. We said that we would get serious and win this war. And we said to those who commit these kinds of acts that we will find you and destroy you. And we vowed to remember what happened—always.

America quickly got serious about fighting terrorism. While the enemies of freedom brought war to our shores 3 years ago, the American people and the American military are making progress in meeting this challenge. This war is being fought on multiple fronts: diplomatic, financial, investigative, homeland security, humanitarian, and militarily. We must continue to fight the war on terrorism because the terrorists will continue with their efforts. Their aim is to change the way of life of countries that love freedom, and their goals include the destruction of the civilized world and an end to American efforts to encourage democracy abroad.

And while we continue to make great strides in the war on terror, we must never forget what happened. It's been 3 years, but the tragedy, the courage, and the determination we saw that day must serve as a reminder of our calling from that day forward. On Saturday morning, please take a moment to remember those who lost their lives that day, and remember those who continue to mourn loved ones who did not return home on September 11, 2001.

May God continue to bless the United States of America.

Mr. FRELINGHUYSEN. Mr. Speaker, on this day, 3 years ago, our Nation utterly changed as tragedy struck in the streets of Lower Manhattan, the fields of Pennsylvania, and here in our Nation's capital.

On this day, we also saw good rise in the face of evil and heroes rise in the face of danger.

In Lower Manhattan, many of our brave first responders knew the risks they were taking, but were determined to do their job. Police officers and EMS officials calmly escorted workers out of burning buildings as firefighters raced up stairwells of these same buildings to rescue those trapped high above.

When the day was over, and as we learned more about the tragic attacks, and loss of nearly 3,000 Americans, including 700 New Jerseyans, we witnessed neighbors and friends consoling one another and watched as Americans from all walks of life stood united—side-by-side, waving the stars and stripes, and lighting candles to honor those missing or lost.

As America rebounded and recovered, our Nation—displaying the resiliency of its people—responded to these acts of terrorism with the might of our military.

The war we continue to fight today began September 11, 2001. It began without provocation and without warning. It was not a war

of our choosing but rather was made our priority. And we are fighting this war in Afghanistan and Iraq today so that what happened on September 11 does not happen in America again.

So many of our heroes currently fighting terrorism across the globe put their lives on hold after 9/11 to join the National Guard, serve our country, and defend our freedom.

We see the character and resolve of America in these brave young men and women. And especially in this post 9/11 era, we are grateful for their service and sacrifice.

May God Bless those who continue to fight for and defend our freedom, and may God continue to bless America.

The SPEAKER pro tempore (Mr. FOSSELLA). All time for debate has expired.

Pursuant to the order of the House of Wednesday, September 9, 2004, the resolution is considered read for amendment, and the previous question is ordered on the resolution and on the preamble.

The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HYDE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on adopting House Resolution 757 will be followed by a moment of silence and, without objection, 5-minute votes on the motion to instruct on H.R. 1308 and the motion to suspend the rules and pass Senate 2634, as amended.

There was no objection.

The vote was taken by electronic device, and there were—yeas 406, nays 16, not voting 12, as follows:

[Roll No. 431]

YEAS—406

Abercrombie	Boyd	Cox	Lampson	Regula
Ackerman	Bradley (NH)	Cramer	Langevin	Rehberg
Aderholt	Brady (PA)	Crane	Lantos	Renzi
Akin	Brady (TX)	Crenshaw	Larsen (WA)	Reyes
Alexander	Brown (OH)	Crowley	Larson (CT)	Reynolds
Allen	Brown (SC)	Cubin	Latham	Rodriguez
Andrews	Brown, Corrine	Culberson	LaTourette	Rogers (AL)
Baca	Brown-Waite,	Cummings	Leach	Rogers (KY)
Bachus	Ginny	Cunningham	Levin	Rogers (MI)
Baird	Burgess	Davis (AL)	Lewis (CA)	Rohrabacher
Baker	Burns	Davis (CA)	Lewis (GA)	Ros-Lehtinen
Baldwin	Burr	Davis (FL)	Lewis (KY)	Ross
Barrett (SC)	Burton (IN)	Davis (IL)	Linder	Rothman
Bartlett (MD)	Butterfield	Davis (TN)	Lipinski	Roybal-Allard
Barton (TX)	Buyer	Davis, Jo Ann	LoBiondo	Royce
Bass	Calvert	Davis, Tom	Lowey	Ruppersberger
Beauprez	Camp	Deal (GA)	Lucas (KY)	Rush
Becerra	Cantor	DeFazio	Lucas (OK)	Ryan (WI)
Bell	Capito	DeGette	Lynch	Ryun (KS)
Berkley	Capps	Delahunt	Majette	Sabo
Berman	Capuano	DeLauro	Maloney	Sánchez, Linda
Berry	Cardin	DeLay	Manzullo	T.
Biggert	Cardoza	DeMint	Marshall	Sanchez, Loretta
Bilirakis	Carson (IN)	Deutsch	Matheson	Sanders
Bishop (GA)	Carson (OK)	Diaz-Balart, L.	Matsui	Sandlin
Bishop (NY)	Carter	Diaz-Balart, M.	McCarthy (MO)	Saxton
Bishop (UT)	Case	Dicks	McCarthy (NY)	Schiff
Blackburn	Castle	Dingell	McCollum	Scott (GA)
Blumenauer	Chabot	Doggett	McCotter	Scott (VA)
Blunt	Chandler	Dooley (CA)	McCrery	Sensenbrenner
Boehlert	Chocola	Doolittle	McGovern	Serrano
Boehner	Clay	Doyle	McHugh	Sessions
Bonilla	Clyburn	Dreier	McInnis	Shadegg
Bonner	Coble	Duncan	McIntyre	Shaw
Bono	Cole	Dunn	McKeon	Shays
Boozman	Collins	Edwards	McNulty	Sherman
Boswell	Cooper	Ehlers	Meehan	Sherwood
Boucher	Costello	Emanuel	Meek (FL)	Shimkus
			Meeks (NY)	Shuster
			Menendez	Simmons
			Mica	Simpson
			Michaud	Skelton
			Millender-	Slaughter
			McDonald	Smith (MI)
			Miller (FL)	Smith (NJ)
			Miller (MI)	Smith (TX)
			Miller (NC)	Smith (WA)
			Miller, Gary	Snyder
			Miller, George	Solis
			Moore	Souder
			Moran (KS)	Spratt
			Moran (VA)	Stearns
			Murphy	Stenholm
			Murtha	Strickland
			Musgrave	Stupak
			Myrick	Sullivan
			Nadler	Sweeney
			Napolitano	Tancred
			Neal (MA)	Tanner
			Neugebauer	Tauscher
			Ney	Taylor (MS)
			Northup	Taylor (NC)
			Norwood	Terry
			Nunes	Thomas
			Nussle	Thompson (CA)
			Oberstar	Thompson (MS)
			Obey	Thornberry
			Olver	Tiahrt
			Ortiz	Tiberi
			Osborne	Tierney
			Ose	Towns
			Otter	Turner (OH)
			Owens	Turner (TX)
			Oxley	Udall (CO)
			Pallone	Udall (NM)
			Pascarell	Upton
			Pastor	Van Hollen
			Payne	Velázquez
			Pearce	Visclosky
			Pelosi	Vitter
			Pence	Walden (OR)
			Peterson (MN)	Walsh
			Peterson (PA)	Wamp
			Petri	Watson
			Pickering	Watt
			Pitts	Waxman
			Platts	Weiner
			Pombo	Weldon (FL)
			Pomeroy	Weldon (PA)
			Porter	Weller
			Portman	Whitfield
			Price (NC)	Wicker
			Pryce (OH)	Wilson (NM)
			Putnam	Wilson (SC)
			Quinn	Wolf
			Radanovich	Wu
			Rahall	Wynn
			Ramstad	Young (FL)
			Rangel	
			LaHood	

## NAYS—16

Conyers	Kucinich	Schakowsky
Frank (MA)	Lee	Stark
Hastings (FL)	Lofgren	Waters
Hinchey	Markey	Woolsey
Honda	McDermott	
Jackson (IL)	Paul	

## NOT VOTING—12

Ballenger	Mollohan	Tauzin
Cannon	Nethercutt	Toomey
Goss	Ryan (OH)	Wexler
Greenwood	Schrock	Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. FOSSELLA) (during the vote). Members are advised there are 2 minutes remaining in this vote.

## □ 1208

Mr. MARKEY and Mr. CONYERS changed their vote from “yea” to “nay.”

Messrs. JEFFERSON, NEAL of Massachusetts, GEORGE MILLER of California, and MORAN of Virginia, and Ms. CORRINE BROWN of Florida changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## MOMENT OF SILENCE COMMEMORATING THE 9/11 ATTACKS

The SPEAKER. The Chair would ask the House to stand in tribute to the victims of the September 11, 2001, terrorist attacks that rocked this Nation. We would like to observe a moment of silence in their memory.

## MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question on the motion to instruct conferees on H.R. 1308.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Indiana (Mr. HILL) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 203, nays 216, not voting 14, as follows:

[Roll No. 432]

## YEAS—203

Abercrombie	Brady (PA)	Cramer
Ackerman	Brown (OH)	Crowley
Allen	Brown, Corrine	Cummings
Andrews	Butterfield	Davis (AL)
Baca	Capps	Davis (CA)
Baird	Capuano	Davis (FL)
Baldwin	Cardin	Davis (IL)
Becerra	Cardoza	Davis (TN)
Bell	Carson (IN)	DeFazio
Berkley	Carson (OK)	DeGette
Berman	Case	Delahunt
Berry	Castle	DeLauro
Bishop (GA)	Chandler	Deutsch
Bishop (NY)	Clay	Dicks
Blumenauer	Clyburn	Dingell
Boswell	Conyers	Doggett
Boucher	Cooper	Dooley (CA)
Boyd	Costello	Doyle

Edwards	Larson (CT)	Reyes	Musgrave	Ramstad	Stearns
Emanuel	Lee	Rodriguez	Myrick	Regula	Sullivan
Engel	Levin	Ross	Neugebauer	Rehberg	Sweeney
Eshoo	Lewis (GA)	Rothman	Ney	Renzi	Tancred
Etheridge	Lipinski	Roybal-Allard	Northup	Reynolds	Taylor (NC)
Evans	Lofgren	Ruppersberger	Norwood	Rogers (AL)	Terry
Farr	Lowe	Rush	Nunes	Rogers (KY)	Thomas
Fattah	Lucas (KY)	Sabo	Nussle	Rogers (MI)	Thornberry
Filner	Lynch	Sánchez, Linda T.	Osborne	Rohrabacher	Tiahrt
Ford	Maloney	Sanchez, Loretta T.	Ose	Ros-Lehtinen	Tiberi
Frank (MA)	Markey	Sanders	Otter	Royce	Turner (OH)
Frost	Marshall	Sandlin	Oxley	Ryan (WI)	Upton
Gephardt	Matheson	Schakowsky	Paul	Ryun (KS)	Vitter
Gonzalez	Matsui	Schiff	Pearce	Saxton	Walden (OR)
Gordon	McCarthy (MO)	Scott (GA)	Pence	Sensenbrenner	Walsh
Green (TX)	McCarthy (NY)	Scott (VA)	Peterson (PA)	Sessions	Wamp
Grijalva	McCollum	Serrano	Petri	Shadegg	Weldon (FL)
Gutierrez	McDermott	Shays	Pickering	Shaw	Weldon (PA)
Harman	McGovern	Sherman	Pitts	Sherwood	Weller
Hastings (FL)	McIntyre	Skelton	Platts	Shimkus	Whitfield
Herseth	McNulty	Smith (WA)	Pombo	Shuster	Wick
Hill	Meehan	Snyder	Porter	Simmons	Wilson (NM)
Hinchey	Meek (FL)	Solis	Portman	Simpson	Wilson (SC)
Hinojosa	Meeks (NY)	Spratt	Pryce (OH)	Smith (MI)	Wolf
Hoeffel	Menendez	Stark	Putnam	Smith (NJ)	Young (FL)
Holden	Michaud	Stenholm	Quinn	Smith (TX)	
Holt	Millender-McDonald	Strickland	Radanovich	Souder	
Honda	Miller (NC)	Stupak			
Hooley (OR)	Miller, George	Tanner			
Hoyer	Moore	Tauscher			
Inslee	Moran (VA)	Taylor (MS)			
Israel	Murtha	Thompson (CA)			
Jackson (IL)	Nadler	Thompson (MS)			
Jackson-Lee (TX)	Napolitano	Tierney			
Jefferson	Neal (MA)	Towns			
John	Oberstar	Turner (TX)			
Johnson, E. B.	Obey	Udall (CO)			
Jones (OH)	Olver	Udall (NM)			
Kanjorski	Ortiz	Van Hollen			
Kaptur	Owens	Velázquez			
Kennedy (RI)	Pallone	Visclosky			
Kildee	Pascrell	Waters			
Kilpatrick	Pastor	Watson			
Kind	Payne	Watt			
Kleczka	Pelosi	Waxman			
Kucinich	Peterson (MN)	Weiner			
Lampson	Pomeroy	Woolsey			
Langevin	Price (NC)	Wu			
Lantos	Rahall	Wynn			
Larsen (WA)	Rangel				

## NAYS—216

Aderholt	Cunningham	Hobson
Akin	Davis, Jo Ann	Hoekstra
Alexander	Davis, Tom	Hostettler
Bachus	Deal (GA)	Houghton
Baker	DeLay	Hulshof
Barrett (SC)	DeMint	Hunter
Bartlett (MD)	Diaz-Balart, L.	Hyde
Barton (TX)	Diaz-Balart, M.	Isakson
Bass	Doolittle	Issa
Beauprez	Dreier	Istook
Biggart	Duncan	Jenkins
Bilirakis	Dunn	Johnson (CT)
Bishop (UT)	Ehlers	Johnson (IL)
Blackburn	Emerson	Johnson, Sam
Blunt	English	Jones (NC)
Boehlert	Everett	Keller
Boehner	Feeney	Kelly
Bonilla	Ferguson	Kennedy (MN)
Bonner	Flake	King (IA)
Bono	Foley	King (NY)
Boozman	Forbes	Kingston
Bradley (NH)	Fossella	Kirk
Brady (TX)	Franks (AZ)	Kline
Brown (SC)	Frelinghuysen	Knollenberg
Brown-Waite,	Gallegly	Kolbe
Ginny	Garrett (NJ)	LaHood
Burgess	Gerlach	Latham
Burns	Gibbons	LaTourette
Burr	Gilchrest	Leach
Burton (IN)	Gillmor	Lewis (CA)
Buyer	Gingrey	Lewis (KY)
Calvert	Goode	Linder
Camp	Goodlatte	LoBiondo
Cantor	Granger	Lucas (OK)
Capito	Graves	Manzullo
Carter	Green (WI)	McCotter
Chabot	Gutknecht	McCrery
Chocola	Hall	McHugh
Coble	Harris	McInnis
Cole	Hart	McKeon
Collins	Hastings (WA)	Mica
Cox	Hayes	Miller (FL)
Crane	Hayworth	Miller (MI)
Crenshaw	Hefley	Miller, Gary
Cubin	Hensarling	Moran (KS)
Culberson	Herger	Murphy

Musgrave	Ramstad	Stearns
Myrick	Regula	Sullivan
Neugebauer	Rehberg	Sweeney
Ney	Renzi	Tancred
Northup	Reynolds	Taylor (NC)
Norwood	Rogers (AL)	Terry
Nunes	Rogers (KY)	Thomas
Nussle	Rogers (MI)	Thornberry
Osborne	Rohrabacher	Tiahrt
Ose	Ros-Lehtinen	Tiberi
Otter	Royce	Turner (OH)
Oxley	Ryan (WI)	Upton
Paul	Ryun (KS)	Vitter
Pearce	Saxton	Walden (OR)
Pence	Sensenbrenner	Walsh
Peterson (PA)	Sessions	Wamp
Petri	Shadegg	Weldon (FL)
Pickering	Shaw	Weldon (PA)
Pitts	Sherwood	Weller
Platts	Shimkus	Whitfield
Pombo	Shuster	Wick
Porter	Simmons	Wilson (NM)
Portman	Simpson	Wilson (SC)
Pryce (OH)	Smith (MI)	Wolf
Putnam	Smith (NJ)	Young (FL)
Quinn	Smith (TX)	
Radanovich	Souder	

## NOT VOTING—14

Ballenger	Mollohan	Tauzin
Cannon	Nethercutt	Toomey
Goss	Ryan (OH)	Wexler
Greenwood	Schrock	Young (AK)
Majette	Slaughter	

## □ 1220

Mr. TAYLOR of North Carolina and Mr. RADANOVICH changed their vote from “yea” to “nay.”

Ms. EDDIE BERNICE JOHNSON of Texas changed her vote from “nay” to “yea.”

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GARRETT LEE SMITH MEMORIAL ACT

The SPEAKER pro tempore (Mr. SHIMKUS). The unfinished business is the question of suspending the rules and passing the Senate bill, S. 2634, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BARTON) that the House suspend the rules and pass the Senate bill, S. 2634, as amended, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 352, nays 64, not voting 17, as follows:

[Roll No. 433]

## YEAS—352

Abercrombie	Becerra	Boehner
Ackerman	Bell	Bono
Alexander	Berkley	Boozman
Allen	Berman	Boswell
Andrews	Berry	Boucher
Baca	Biggart	Boyd
Bachus	Bilirakis	Bradley (NH)
Baird	Bishop (GA)	Brady (PA)
Baker	Bishop (NY)	Brady (TX)
Baldwin	Blackburn	Brown (OH)
Barton (TX)	Blumenauer	Brown (SC)
Bass	Blunt	Brown, Corrine
Beauprez	Boehlert	

Brown-Waite, Hill  
Ginny Hinchey  
Burgess Hinojosa  
Burns Hobson  
Butterfield Hoeffel  
Buyer Hoekstra  
Calvert Holden  
Camp Holt  
Capito Honda  
Capps Hooley (OR)  
Capuano Houghton  
Cardin Hoyer  
Cardoza Hulshof  
Carson (IN) Hunter  
Carson (OK) Inslee  
Case Isakson  
Castle Israel  
Chabot Issa  
Chandler Jackson (IL)  
Chocola Jackson-Lee  
Clay (TX)  
Clyburn Jefferson  
Cole Jenkins  
Conyers John  
Cooper Johnson (CT)  
Costello Johnson (IL)  
Cramer Johnson, E. B.  
Crenshaw Jones (OH)  
Crowley Kanjorski  
Cunningham Kaptur  
Davis (AL) Keller  
Davis (CA) Kelly  
Davis (FL) Kennedy (MN)  
Davis (IL) Kennedy (RI)  
Davis (TN) Kildee  
Davis, Jo Ann Kilpatrick  
Davis, Tom Kind  
DeFazio King (NY)  
DeGette Kirk  
Delahunt Kleczka  
DeLauro Knollenberg  
DeLay Kolbe  
DeMint Kucinich  
Deusch LaHood  
Diaz-Balart, L. Lampson  
Diaz-Balart, M. Langevin  
Dicks Lantos  
Dingell Larsen (WA)  
Doggett Larson (CT)  
Dooley (CA) Latham  
Doyle LaTourette  
Dreier Leach  
Duncan Lee  
Dunn Levin  
Edwards Lewis (CA)  
Ehlers Lewis (GA)  
Emanuel Lipinski  
Emerson LoBiondo  
Engel Lofgren  
English Lowey  
Eshoo Lucas (KY)  
Etheridge Lynch  
Evans Maloney  
Farr Markey  
Fattah Marshall  
Ferguson Matheson  
Filner Matsui  
Foley McCarthy (MO)  
Forbes McCarthy (NY)  
Ford McCollum  
Fossella McCotter  
Frank (MA) McCreery  
Frelinghuysen McDermott  
Frost McGovern  
Gallegly McHugh  
Gephardt McInnis  
Gerlach McIntyre  
Gibbons McKeon  
Gilchrest McNulty  
Gillmor Meehan  
Gonzalez Meeks (NY)  
Goode Menendez  
Goodlatte Mica  
Gordon Michaud  
Granger Millender-  
Graves McDonald  
Green (TX) Miller (MI)  
Green (WI) Miller (NC)  
Grijalva Miller, Gary  
Gutierrez Miller, George  
Hall Moore  
Harman Moran (KS)  
Harris Moran (VA)  
Hart Murphy  
Hastings (FL) Murtha  
Hastings (WA) Nadler  
Hayes Napolitano  
Hayworth Neal (MA)  
Herseth Ney

Northup  
Nussle  
Oberstar  
Obey  
Oliver  
Ortiz  
Osborne  
Owens  
Oxley  
Pallone  
Pascarella  
Pastor  
Pearce  
Pelosi  
Peterson (MN)  
Petri  
Pickering  
Pitts  
Platts  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Rahall  
Ramstad  
Rangel  
Regula  
Rehberg  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryun (KS)  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Sessions  
Shaw  
Shays  
Sherman  
Shimkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stupak  
Sweeney  
Tanner  
Tauscher  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Tiahrt  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velázquez

Visclosky  
Vitter  
Walden (OR)  
Walsh  
Wamp  
Waters  
Watson

Watt  
Waxman  
Weiner  
Weldon (PA)  
Weller  
Whitfield  
Wicker

Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

## NAYS—64

Aderholt  
Akin  
Barrett (SC)  
Bartlett (MD)  
Bishop (UT)  
Bonilla  
Bonner  
Burton (IN)  
Cantor  
Carter  
Coble  
Collins  
Cox  
Crane  
Cubin  
Culberson  
Deal (GA)  
Doolittle  
Everett  
Feeney  
Flake  
Franks (AZ)

Garrett (NJ)  
Gingrey  
Gutknecht  
Hefley  
Hensarling  
Herger  
Hostettler  
Hyde  
Istook  
Johnson, Sam  
Jones (NC)  
King (IA)  
Kingston  
Kline  
Lewis (KY)  
Linder  
Lucas (OK)  
Manzullo  
Miller (FL)  
Musgrave  
Myrick  
Neugebauer

Norwood  
Nunes  
Ose  
Otter  
Paul  
Pence  
Peterson (PA)  
Pombo  
Radanovich  
Rohrabacher  
Royce  
Ryan (WI)  
Sensenbrenner  
Shadegg  
Sherwood  
Smith (MI)  
Sullivan  
Tancredo  
Thornberry  
Weldon (FL)

## NOT VOTING—17

Ballenger  
Burr  
Cannon  
Cummings  
Goss  
Greenwood

Majette  
Meek (FL)  
Mollohan  
Nethercutt  
Payne  
Ryan (OH)

Schrock  
Tauzin  
Toomey  
Wexler  
Young (AK)

## □ 1232

So (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the Senate bill was amended so as to read: "A bill to amend the Public Health Service Act to support the planning, implementation, and evaluation of organized activities involving statewide youth suicide early intervention and prevention strategies, to authorize grants to institutions of higher education to reduce student mental and behavioral health problems, and for other purposes."

A motion to reconsider was laid on the table.

## □ 1230

## GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material, and that I may include tabular material on the same, during the further consideration of H.R. 5006, making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Ohio?

There was no objection.

# DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

## □ 1232

## IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. TERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Wednesday, September 8, 2004, the amendment offered by the gentleman from California (Mr. GEORGE MILLER) had been disposed of and the bill was open for amendment from page 104 line 1 through page 105 line 16.

## AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

## AMENDMENT OFFERED BY MR. OBEY

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ . None of the funds provided in this Act may be used by the Department of Labor to implement or administer any change to regulations regarding overtime compensation (contained in part 541 of title 29, Code of Federal Regulations) in effect on July 14, 2004, except those changes in the Department of Labor's final regulation published in the Federal Register on April 23, 2004 at section 541.600 of such title 29.

Mr. BOEHNER. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN pro tempore. The point of order is reserved, and the gentleman from Wisconsin (Mr. OBEY) is recognized for 5 minutes.

Mr. OBEY. Mr. Chairman, we now have 8 million people out of work. There are 3 million people that have been out of work so long that they have lost their unemployment benefits, and the majority party in this Congress has steadfastly refused to allow us to do something about that by providing extended unemployment benefits for those workers.

At the same time, for people who are working and people who are not, we have a resurrection of inflation. Inflation is running at twice the rate this year that it ran last year. That means it cost families more to pay for gas, more to pay for health care, more to pay for college costs, and it will continue to rise.

Working families need every dollar in their take-home pay that they can possibly get, and yet the administration

has chosen this time to institute new regulations which for the first time in 50 years scaled back workers' entitlement to overtime pay for overtime worked.

Mr. Chairman, this amendment attempts to do two things. It is a very simple amendment. It simply precludes the agency from using any funds in this bill to implement those limiting regulations. We make one exception. We allow the expansion of overtime rights made available under the new rule for workers making between \$8,000 and \$23,660 to stand as is. But we effectively block enforcement of the other portions of the rule.

It just seems to me that the Labor Department, the White House, and the Congress should not be complicit in the effort of employers to chisel on workers' overtime pay. If this amendment does not pass, more than 900,000 employees without a college or graduate degree will be exempt from overtime pay because of definitions of professional employees. Thirty thousand nursery school and Head Start teachers will lose their right to overtime pay. Nearly 90,000 computer employees, funeral directors and licensed embalmers will become exempt and lose their right to pay under the Labor Department rule, and there are many other workers as well who will lose their overtime rights.

Mr. Chairman, this is a very simple amendment. Everyone understands it. This House has already voted on a motion to instruct to adopt precisely the same language we are offering today, and the Senate has already adopted the same proposal in the form of the Har-kin amendment.

Despite that fact, the Republican leadership arbitrarily stripped that language out from the conference report last year. This time around we mean business. We mean to see this through. We will not be dissuaded by blackmail threats on the part of the White House that they will veto the bill if this provision which we are offering today is included.

It is very simple. If you are on the side of a worker's right to get overtime pay for overtime worked, you vote for this amendment. If you are not on their side, then you vote against this amendment, or you vote for some other mugwump fig leaf that will serve not to cover workers, but simply to cover the fannies of Members who will be voting this afternoon.

#### POINT OF ORDER

Mr. BOEHNER. Mr. Chairman, I make a point of order against the amendment. The gentleman's amendment violates House rule XXI, clause 2 and legislates on an appropriation bill.

Mr. Chairman, I have a question for the author of the amendment. The gentleman's amendment restricts the Secretary of Labor from implementing certain overtime protections in current regulations. As of August 23, Mr. Chairman, the old regulations are no longer on the books.

So my question for the gentleman from Wisconsin is: Would your amendment, as a matter of law, require the Secretary of Labor to return to the regulations as in effect on July 14, 2004?

The CHAIRMAN pro tempore (Mr. SHIMKUS). The gentleman from Ohio cannot engage in a colloquy, but the Chair may hear argument and rejoinder from each Member individually. The gentleman from Ohio may not yield directly for an answer, as in a colloquy.

#### PARLIAMENTARY INQUIRY

Mr. BOEHNER. Mr. Chairman, parliamentary inquiry. Are you suggesting to me that I cannot ask the author of the amendment to explain the intent of his amendment?

The CHAIRMAN pro tempore. The Chair will hear from the gentleman from Wisconsin separately. When the gentleman from Ohio has concluded his debate, the Chair will hear from the gentleman from Wisconsin separately.

Mr. BOEHNER. Mr. Chairman, the gentleman's amendment, as a matter of law, would restrict the Secretary from proceeding on the new regulations and, in effect, require the Secretary to enforce the old regulations that had not been updated for 50 years. In fact, this is legislating on an appropriation bill, and I insist on my point of order.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard on this point of order?

Mr. OBEY. Mr. Chairman, I do.

Mr. Chairman, this amendment does what it says. This amendment is a straightforward limitation which prohibits the Department of Labor from using funds in the act to implement any change to overtime regulations that were in effect on July 14, 2004, with one exception. It imposes no additional duties on the Secretary of Labor, nor does it change existing law since the language merely says that funds may not be used to change overtime regulations in place on July 14, 2004.

Moreover, the amendment allows, but does not require, the Department to implement or administer section 541.6 of the overtime regulation published in the Federal Register on April 23, 2004.

The Department has a duty to know its own regulations; and, therefore, the amendment imposes no new duties. The limitation applies only to the appropriation under consideration in this bill and is operable only for the fiscal year for which the appropriations apply. I, therefore, ask the Chair not to sustain the point of order.

The CHAIRMAN pro tempore. Does the gentleman from Ohio wish to be heard further?

Mr. BOEHNER. I do, Mr. Chairman.

Based on the gentleman's explanation of his amendment, Mr. Chairman, prohibiting the Secretary from enforcing the new regulations, we have, in effect, if the gentleman's amendment were to pass, no regulations pro-

tecting the overtime rights of American workers. No regulations. That is the law that is being created here.

I am trying to understand from the gentleman his true intent in his amendment and if, in fact, he is not trying to have the Secretary enforce the old regulations.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin desire to be heard again?

Mr. OBEY. Mr. Chairman, I stand on my statement and ask that the Chair not sustain the point of order.

The CHAIRMAN pro tempore. Does any other Member wish to be heard on this point of order? If not, the Chair is prepared to rule.

The gentleman from Ohio (Mr. BOEHNER) makes a point of order that the amendment offered by the gentleman from Wisconsin (Mr. OBEY) is subject to a point of order under clause 2 of rule XXI. The gentleman from Ohio argues that the amendment legislates on an appropriation bill by requiring the Department of Labor to make certain changes in overtime regulation. However, the text of the amendment seeks only to defund the implementation of changes to certain overtime regulations in effect on a particular day with certain exceptions. The amendment neither addresses what the regulatory situation might be after its adoption, nor directs the Department to act in any particular fashion.

Under the precedent carried at chapter 28, section 64.29 of Deschler's Precedents, it is in order in a general appropriation bill to deny the use of funds therein for agency proceedings relating to changes in regulations. In the opinion of the Chair, that is analogous to what this amendment does. The Chair overrules the point of order.

Does any other Member desire to be heard on the amendment?

Mr. ANDREWS. Mr. Chairman, I move to strike the last word.

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Chairman, I rise in strong support of the amendment by my friend, the gentleman from Wisconsin (Mr. OBEY). Seventy-six years ago, the Congress passed and the President signed a law which says that if you work more than 40 hours a week, that you get time and a half for that additional time. With some carefully reasoned and well-thought-out exceptions since then, it has been the law for every American worker under every circumstance.

We have before us today the question of whether we should continue that very important principle. We should, and Members on both sides should vote in favor of the Obey amendment.

□ 1245

As the gentleman from Wisconsin (Mr. OBEY) said a few minutes ago, there are officially 8 million Americans out of work as we meet this afternoon. Three million of those Americans have

been out of work so long they have exhausted their unemployment benefits. The price of health care has increased by 50 percent in the last 3½ years. This administration will be the first administration since that of Herbert Hoover that has lost more jobs than it has created.

Mr. Chairman, 2.45 million workers in manufacturing plants around the country have seen their jobs go overseas or south of the border, probably lost forever. The price of heating your home, driving your car, and educating your children rises, and the squeeze on the middle class intensifies.

So what issue does this Congress and this administration confront? The issue we confront is taking income away from 6 million people. These are not 6 million people who are at the high end of the American labor force.

In the debate on these regulations, we have heard this is about highly skilled, highly compensated people. Not the case. The Congressional Research Service, a nonpartisan objective arm of this institution, did an analysis of the people who will be affected by these overtime regulations. Nearly 70 percent of the workers who will be affected by these regulations make less than \$1,000 a week. Nearly 70 percent of the people affected by these rules are making less than \$50,000 a year. This is the middle class we are talking about. It is the working middle class. It is nursery school teachers, short-order cooks, people who work in the shoe department of a retail store. Their biggest problem, with all due respect, is not that they are getting too much income; it is that they are not getting enough, and they are not getting enough to pay the bills that their family needs to pay.

These overtime rules will adversely affect 6 million American workers. If there are going to be changes to the overtime rules, they should be debated here. They should be voted on by the people's representatives, not by the appointed people who work in the Department of Labor.

The Obey amendment will suspend these rules. It will protect the overtime rights of more than 6 million American workers. It will leave in place the existing overtime rules as it affects those workers, and it is the right thing to do.

Mr. Chairman, with all due respect to the authors of this overtime policy change, overtime is not a gift from America's employers; overtime is the right of America's workers. In order to protect that right and to do what is right, I would urge my friends, both Republican and Democrat, to vote "yes" on the Obey amendment.

Mrs. MCCARTHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, with its proposed overtime rules, the administration continues its assault on working Americans. Do not be fooled when some of my colleagues on the other side of the

aisle say this will give overtime to more workers; they are using fuzzy math. This will give an inflation adjustment to low-income workers which is much needed and much deserved.

But a July 2004 study by the Economic Policy Institute shows that new regulations will cut the pay and lengthen the hours for at least 6 million workers making as little as \$23,000 a year. Basically, what the regulations do is permit employers to reclassify people making between \$23,000 and \$100,000 so they are exempt from overtime pay.

One of the reasons for enacting the Fair Labor Standards Act back in 1938 was to give incentive to employers to create more jobs. This ensures that employers will not overwork their employees by making them do the work of two or more people.

Since 2001, we all know that millions of jobs have been lost, including 285,000 in New York. These final regulations will enable employers to cut overtime for employees who presently do get overtime. This means longer hours for the same pay. It also means that employers will have no incentive to hire new people even though we have an unemployed workforce of over 600,000 in New York alone.

It boggles the mind that this is what the administration focuses on since it has the worst job-creation record since the time of the Great Depression. And after the final regulations were announced in April 2004, we held only one single hearing in the Committee on Education and the Workforce.

In May 2004, I voted for amendments on the House floor which would have stalled the Department of Labor's regulations, but unfortunately none of the amendments passed. If Congress had acted, we could have prevented the new regulations from going into effect.

The new regs would have included up to half a million of our Nation's heroic first responders such as police, firefighters, EMTs, and nurses who are directly engaged in homeland security efforts. Losing overtime is not much of an incentive to people in these fields, and we desperately need to keep them safe and healthy.

Another bad effect the regulations will have is to cause confusion in the legal system. Right now, although the system is not perfect, there are plenty of laws on the books developed over many years that guide overtime cases. The new regs will simply result in new fighting about how to implement these rules and will waste time.

I oppose taking overtime pay away from millions of workers and urge my colleagues to support the Obey amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Obey amendment, joined by the gentleman from California (Mr. GEORGE MILLER) and my colleagues. I want to remind my friends in the House of the

obligation and responsibility that they have dealing with the crucial responsibilities of serving the American people. Let me just simply remind Members of people who make this country, and it is working men and women. Those working men and women deserve our respect and as well our duty to ensure that their workplace and their compensation meets the work that they do every single day.

I had the pleasure just a month ago to take my son to his first year of college, spending time not as a Member of Congress but as a parent listening and discussing with other parents both the excitement and joy of taking a young person to college, but also the struggle of bringing a young person to college. Many of those Americans who I stood alongside as a beaming parent work two and three jobs, and overtime was very much a part not of the excess of their income but of the necessity of their income.

I wonder if my colleagues think about what overtime really is. It is helping families all over America make ends meet. Do they realize that the very same people that protect us here in the United States Congress, our U.S. Capitol Police, the people who protect the visitors who come and protect those who come to this place to exercise their rights as Americans, they receive overtime.

With the administrative rules that are being passed by the Department of Labor, we will eliminate the overtime of the very people who protect us, first responders, firefighters and police officers, nurses, people who simply want an opportunity.

This amendment prohibits the Department of Labor from implementing new rules on overtime pay. Of course they have tried to hang out a carrot for us and suggest that they are protecting the low-income workers.

Mr. Chairman, I stand here because I do not want to have divisive politics. I do not want to divide workers and to suggest who is low income and who needs overtime and who does not. This is the middle-class squeeze. Losing 3 million jobs, not yet reaching the place where we have replenished those jobs, Americans required to work two and three jobs, overtime is a necessity; it is not a luxury.

I cannot imagine my Republican friends going home to their elections and to suggest we would stand today against American workers. Overtime is survival for those who every day have to make ends meet. I am looking at Americans who are now trying to refinance homes, not only to send children to school for the first time, but to buy cars, cars to take them to work to be sure that they are able to get the basic necessities.

Just a few hours ago, I stood with my colleagues about the amending of the Tax Code to allow sales tax to be deducted for States that do not have income tax. Why, because in States like Texas and Tennessee, sales tax has become onerous and burdensome for



hard-working Americans who have no outlet and basically are paying very high sales tax because there is no income tax, and yet are not able to deduct it.

We should be finding ways to put income back into Americans' pockets the right way, not with 1 percent tax cuts that give to the wealthiest of Americans, but allowing overtime pay, allowing middle-class Americans not to be squeezed in a very ugly way.

I hope that this amendment is passed enthusiastically. In fact, I would be delighted if it was a bipartisan vote. These regulations are ill-considered and misdirected. They hurt the working person in America, they disrespect work, and they do not acknowledge the fact that all people want in America is an opportunity to pursue their happiness and an enhanced, positive way of life. I ask my colleagues to support this amendment unanimously.

Mr. BOEHNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I hope all of my colleagues heard the short debate over the intent of this regulation. The fact of the matter is if the Obey amendment passes, no American worker who makes over \$23,600 will be entitled to overtime pay. This will be no enforcement of the regulations that the gentleman seeks to try to protect.

Under the Obey amendment, the Secretary of Labor is prohibited from protecting workers' overtime as required by her current regulations, and she will be forced to start the regulatory process over in order to develop new regulations to ensure those protections.

Under the Obey amendment, by the gentleman's own admission, the Department would have no test to administer the rules except for the salary level at \$23,600. This means the Department would be prevented from looking at workers' duties to determine whether they were eligible for overtime pay. His amendment would prevent the Department from enforcing the rule with respect to any worker, even blue collar workers, who earn less than \$23,600 a year. That means firefighters, teachers and nurses who make over \$23,600 would have no ability to have the Department protect their overtime pay. And the enforcement for anyone earning more than \$23,600 would have to be done in private lawsuits and be the biggest gift to trial lawyers that the House has considered in some time.

So the fact is that in an attempt to legislate on an appropriation bill, the gentleman's amendment would in fact eliminate the Department's ability to enforce any rules or regulations on overtime pay for anyone who makes over \$23,600 per year. I do not think that the House wants to be on record in support of that.

Now, on the bigger issue under consideration here, we need to understand that for some 56 years we have had the wage-and-hour law and for the last 50 years there have been no changes to

the job classifications. So American workers have no idea under the old regulations whether they were entitled to overtime pay or not, employers had a very difficult time determining whether workers were entitled to overtime pay or not, and the most serious part of the old regulations was that the Department of Labor could not determine who was entitled to overtime pay and who was not.

In 1977, the Carter administration recognized this problem and attempted to bring clarity to the wage-and-hour laws with regard to overtime pay. What happened, Congress stepped in their way. So since 1977 the picture has only gotten muddier. With job classifications and job titles changing, especially with what has happened over the last 20 years, it is time for the Department to do their work, and the Department did their work. They put out a regulation, an initial draft of a regulation, they took comments from the public, and they got 82,000 comments.

They came back some 18 months later and made serious revisions to their draft policy and put it into effect on August 23 of this year.

□ 1300

It not only guarantees those who make under \$23,600 a year they have a right to overtime pay regardless of their job classification; 1.3 million workers will be covered under that part of the section. The gentleman does not touch that. But it also guarantees overtime rights for teachers, first responders, fire, police, and many other job classifications to bring real clarity to the law so both employers and employees know what their rights are under the law today.

But, unfortunately, that is not what this amendment is really about today. The gentleman's amendment, if you read it and if you look at it, would eliminate all the overtime enforcement protections from the Department of Labor for anyone who makes over \$23,600 a year. I do not think the House wants to go on record in supporting the elimination of those protections from the Department of Labor, so I would ask my colleagues, as they consider this vote today, consider that these overtime protections that are in the law are there to help American workers. If you are on the side of American workers, and especially those who are entitled to overtime pay, we ought to vote against the Obey amendment and protect those rights and the enforcement of those rights by the Department of Labor.

Ms. WOOLSEY. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentlewoman for yielding. I never fully appreciated until this moment the immense talent of the gentleman from Ohio, but listening to what he said, I must take my hat off to him because he certainly

qualifies for the Nobel Prize for fiction. That is an amazing accomplishment in this House, given the competition for that award.

I simply want to say that if you take a look at the Congressional Research Service analysis of this amendment, they make quite clear, quote, "A review of applicable principles of administrative procedure and pertinent judicial precedents indicates that the Department of Labor would have the authority to immediately reimplement overtime compensation regulations in effect prior to August 23, 2004, upon passage of the proposed Obey-Miller rider."

That means that they can on their own volition reinstitute those rules within 1 day. To suggest that they would not do so suggests that they are patently irresponsible.

Ms. WOOLSEY. Mr. Chairman, I rise in support of the Obey-Miller overtime amendment, and I support it because it blocks the administration from gutting the income of working men and women, some earning as little as \$23,000 a year.

My Republican colleagues continue to proclaim, and we have heard it already this morning, that they are friends to working America. However, they and this administration are, I believe, the working Americans' greatest enemy. They say one thing. They do another. They are changing overtime policies to cheat millions of workers out of overtime pay. What they ought to be doing is investing in our Nation's infrastructure, creating jobs that pay a livable wage, strengthening job opportunities here at home, stopping the incentives for outsourcing the high-paid jobs in the United States of America. But, no, they continue their attacks on American workers.

That is why we are considering a bill today that has failed to address the \$265 million backlog of the Job Corps. Their facility renovations are essential to placing disadvantaged young adults into jobs.

That is why the bill before us today cuts the employment service program which is the foundation for the Nation's one-stop employment and training service delivery system.

That is why there is no increase for adult training programs or the title V community service employment program to aid low-income older workers.

One hundred million dollars is being cut for the H-1B technical skills training program, which specifically was designed to reduce the Nation's reliance on foreign workers.

Millions of dollars have been cut for activities to promote international labor standards, enhanced worker rights and combat exploitive child labor.

This President, the administration that is asking us to cut unemployment and overtime coverage for American workers, this President has lost 2.7 million manufacturing jobs since he took office. It is one thing to go to

Pennsylvania and Ohio and talk about job training, but President Bush's budget, this initiative we are talking about today and this bill in particular does not support his talk.

Americans need quality jobs. They need effective job training in order for us to remain competitive in the global economy. The Bush-Cheney antiworker pattern continues with policies such as the Family Flexibility Act, which would further strip worker overtime rights. Let us not kid ourselves. This policy proposal is not about flextime for workers. It is about more flexibility for employers.

Bush also signed legislation overturning workplace safety rules to prevent ergonomic standards. The President has advocated budget cuts for job safety agencies such as OSHA and NIOSH. President Bush even went further, suspending 23 important job safety regulations. The list goes on and on. These are the people that are asking us to vote today to cut overtime pay for most of the neediest workers in this country.

Mr. Chairman, it is clear this administration values corporate profit over workers' safety. It is time that we support our workers. Vote "yes" for the Obey-Miller substitute.

Mr. BISHOP of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, this past weekend we joined with our families at barbecues and picnics to celebrate Labor Day, a day where we honor the contributions of the American workforce. There was a dark cloud over this Labor Day, however, because the administration decided to celebrate workers' accomplishments by rewarding hard-working Americans with one of the largest middle-class pay cuts in history. The decision to undermine overtime pay and enact what could turn out to be the largest middle-class pay cut in history is just the latest in a relentless effort under way in Washington to disregard the economic security of millions of middle-class families.

The regulations that went into effect on August 23 suggest that there are those in Washington who believe that overtime pay is nothing more than a luxury for American workers. The truth is plain and simple. Overtime pay is not a luxury for millions of families. It is a necessity. The changes to overtime pay could seriously reduce the paychecks of over 6 million workers making between \$23,600 and \$100,000 annually.

For many people, overtime is the difference that pays the rent and buys the groceries. I stand in this Chamber today as a product of overtime. My father worked 80 to 90 hours a week, week in and week out, month in and month out, year in and year out, because he had five children that he wanted to send off to have an opportunity that he never had, the opportunity to go to private college. He and my mother accomplished that, and

they accomplished that because of overtime. There are countless families who rely on this kind of additional compensation to meet the needs of their own families.

Some people may say that we should be comforted by the fact that these regulations will not impact workers protected by a collective bargaining agreement. I say that this reasoning is anything but comforting, and workers covered by a union contract will ultimately suffer a reduction in pay. Union contracts will need to be renegotiated, and the regulation changes will make it increasingly more difficult to negotiate fair contracts in the future as workers will now be forced to bargain for overtime protections that were once guaranteed by law.

Previously the law was clear: Those eligible for overtime got time and a half for every hour you worked over 40 hours in a single week. Now that rule has changed, and it will lower the bar for everyone. The amendment we offer today will preserve the protections for the new low-income workers who become eligible for overtime under the new rule. Our amendment will rescind the rule that takes away overtime from 6 million workers so that workers who were eligible before August 23 will once again be eligible.

Let us stop this assault on the economic well-being of middle-class families. I urge my colleagues to vote yes on the Obey-Miller amendment.

Mr. NORWOOD. Mr. Chairman, I move to strike the requisite number of words.

(Mr. NORWOOD asked and was given permission to revise and extend his remarks.)

Mr. NORWOOD. Mr. Chairman, I have got a great statement, but I do not have a lot of time, so I will submit it for the RECORD and just make a few observations.

First and foremost, I would ask my colleagues in the nicest possible way, we really should reject this amendment, and we should do so, frankly, in a bipartisan way. There are a number of things that are going on here, but primarily over the last few years, particularly with a lot of work by our committee, the Committee on Education and the Workforce, and the Secretary of Labor, we have tried very hard to see if we could not bring the wage and hour laws into the 21st century and especially the overtime rules which are not clear, are not simple. Generally they are rules that fatten the wallets, frankly, of our trial lawyers because so many problems have to be solved by judges and courts. That is not what labor law really ought to be about, and we worked hard on this language that is in the gentleman from Ohio's bill, which is good language, and we need to leave it alone.

I just would make four quick points about it. Not nearly enough is said in this body by people who would oppose any changes in the labor laws that 1.3 million new people will be eligible for

overtime. That may not be important to anybody in here, but I guarantee you that is pretty important to the 1.3 million people out there who indeed will for the first time ever have this opportunity like so many other people in the workforce.

The second point I would make on this is that people you say that would through this language lose their overtime frankly do not get overtime now, and the reason they do not, they are eligible, but they do not get it because their employers frankly do not let them work overtime because of the time-and-a-half rule. The bottom line here, Mr. Chairman, for those people is not, frankly, whether they can get overtime or not, it is how much money they can earn. And so many more of them who, yes, maybe they cannot get overtime now, but they can make more money. The bottom line is greater for them because so many of them are working on commissions, so many of them are in a position that if they need more and want to work 48 hours, they can make a lot more in these particular kinds of jobs by being allowed to work 48 hours rather than 40.

Thirdly, our outdated laws are confusing. There is no question to anybody, and there are a lot of lawyers in here who absolutely understand that better than I do, but as many cases that have to go to court, clearly they are outdated, they are dying of old age, they are not ready for the 21st century, and we simply need to do more than we are doing now, but at least this is a step in the right direction.

Lastly, I would say that over the years, Mr. Chairman, the loudest people who have been against making any of these changes, interestingly enough to me, I have observed, are people that this really does not affect directly. The labor bosses in this Nation represent 10 percent of the workforce, but there are a lot of people in America, in fact 90 percent of working Americans, that are not in labor unions, do not wish to be in labor unions, and wish to have this law changed. Yet the labor unions, that is who is opposing this, that and the trial lawyers, and the labor unions simply will not explain, I guess, to the American people this really does not so much affect their members, it affects everybody else that is working out there. And I am pretty concerned about that. Labor law should not be written by those people who represent 10 percent of the workforce, and that is what they try to do.

I do not even know for sure if they would be against these changes. Since so many new people get overtime, so many more people will actually make more money. I think it is probably all about, well, you can't possibly have a labor law that we didn't write, and since we didn't write this one, nobody else can have a good idea, let's be against it. That is probably in as simple a form as I can put it what is going on here.

I encourage my colleagues to vote down this amendment, which I feel

pretty comfortable that they will. We need to move forward and allow the workforce of this country to be able to benefit from the changes that we are going to make. I know we are in an election year, and I know we have got to do all that, but at the end of the day, this needs to go forward, and you can use your election year politics and let us get this bill out of here and pass it.

Mr. Chairman, I cannot recall how many times I have been forced to rise in opposition to this amendment, or other amendment like it that will prevent the Secretary of Labor from implementing and administering common-sense regulations that will provide additional overtime protection to millions of this country's lower income workers. After all this time, I have just simply lost count.

But one thing is for certain, Mr. Chairman, I rise today with the same emphatic opposition to this politically motivated, short-sighted and dangerous amendment as the day it first appeared before the House a little less than 1 year ago this day.

Mr. Chairman, the final overtime regulation that this shameful amendment seeks to overturn will guarantee overtime security for 6.7 million working Americans, including 1.3 million new workers. For the first time, any worker making less than \$23,660 per year is entitled to overtime.

The final rule also strengthens overtime protections for police officers, fire fighters, paramedics, EMTs, first responders, and licensed practical nurses. And importantly, the final rule makes it perfectly clear that no blue-collar or union worker will lose his overtime protection.

These, Mr. Chairman, are the facts.

But sadly, I fear that by pursuing this gimmicky legislative roadblock to an important reform, my colleagues on the other side of the aisle are not really interested in the facts. Instead, as November rapidly approaches and the campaign season looms, I once again smell the foul odor of trial lawyer cronies and big labor bosses who seek another dime in the pocket and another union member on the rolls.

Mr. Chairman, we all know that there are simply no legitimate arguments that substantially support the goals of this amendment. In fact, when you peel through the onion of trumped up charges and "sky-is-falling" rhetoric, all you are left with are unsubstantiated talking points written by big labor bosses and their trial lawyer buddies that do not benefit workers.

Mr. Chairman, I support these regulations, as I have for the past 2 years, and believe that Secretary Elaine Chao should be commended for responding to the needs of the 21st century worker. After all, how can a largely unaltered regulatory act written in post-Depression America possibly represent the best interests of a rapidly evolving and technologically advanced workforce?

Mr. Chairman, I want to tell you, my fellow colleagues and the American people that it simply cannot.

I said it last year and I will say it once again: This amendment will only worsen the confusion of current wage and hour laws by attempting to "freeze" in place the old complicated and outdated system.

Worse still, Mr. Chairman, it will reverse the progress we have already made. Since August

23 alone, when the regulations finally went into effect, American businesses have begun to implement the final rules directed by the Secretary by expanding overtime security to thousands of new workers. Now is not the time to slow this progress down. Instead, Mr. Chairman, it is time to move on and allow the administration's final rule to be fully implemented for the benefit of the American worker.

I urge all of my colleagues, no matter what side of the aisle you sit on, to say "yes" to the American worker and "no" to the big labor bosses and trial lawyers. I urge you to vote against the Obey amendment.

□ 1315

Mr. TIERNEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think the American public would find it highly unbelievable that if, in fact, the rules proposed by the administration did all the things that are purported, that the advocates for working people and the advocates for families would oppose it. In fact, it is a rule that does not do the things that are professed here; and that is why advocates for families, for working people oppose them in such a loud and clear way.

The first rule ought to be do no harm when we are talking about amending rules. And the amendment that the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California (Mr. GEORGE MILLER) have here sticks to that creed. The administration's rules, on the other hand, are so ambiguous that the Department of Labor and potentially aggrieved workers will at best be involved in litigation from now to the end of time. At worst they are going to be interpreted to prevent possibly 6 million people from becoming eligible for overtime that are currently eligible under the existing rules.

The administration has had every opportunity to work into a rule that would be agreeable and understandable by everyone. The proper way to do that, of course, would have been to work with both Democrats and Republicans in the House, to go through the committee hearing process, to have a debate and deliberation, and to vote and to clarify those rules. That has not been the effort that has been taken here. Continually, the administration throws out their rules, gets feedback, and then tries to throw them out again, and this time, despite the numerous people that have objected to these rules, saying that the interpretations are inappropriate, are trying to plow this thing through. We can see that not only Democrats are objecting but a number of Republicans are; otherwise we would not have had to postpone last night's session until today so that some arms could be twisted on this measure.

What are Americans to believe of this administration other than it desires to deprive workers of overtime and allow employers to demand and get longer hours without more pay for workers and to work employees more instead of

hiring additional workers? This, as our economy is being decimated by economic policies for rich millionaires, that are doing little, if anything, for the middle class and people that aspire to enter the middle class; 1.8 million jobs fewer today than we had in 2000; wages from last August to this August rising only 1.9 percent while the cost of living is up over 3.2 percent.

It is a squeeze. Essentially, wages are flat but tuition bills continue to rise, and our colleagues on the Republican side and the administration will not increase Pell grants, will not increase work study funds, are cutting Perkins loans funds so families are getting no help there. Health care premiums are rising. Employers are insisting that more and more employees pay a higher percentage of the premiums, more co-pays, and more deductibles. Gas prices are up. Food and milk and other prices are up.

All of this, while in my State, Mr. Chairman, in Massachusetts 86 percent of the taxpayers in 2006 will get less than \$100 from the 2003 Bush tax cuts. So they are not getting any help from the tax cuts, and they are getting the squeeze from rising prices, and wages are stagnant. And now the administration proposes a plan, which, at best, is ambiguous and leaves people in confusion and in a state of litigation and, at worst, deprives almost 6 million people of overtime. The 40-hour rule is so that families can spend some time together and, when they cannot, that at least they get compensated so that they can pay some of the families' obligations and bills.

Some low-income workers will actually become eligible for overtime pay under the new rule, and that is a good thing and that is why the gentleman from Wisconsin (Mr. OBEY) and the gentleman from California's (Mr. GEORGE MILLER) amendment does not affect that. It allows that to go into place. And we want those people to become eligible, and we would do that.

The other factor is that for years it has been pretty easy and pretty clear to determine who was eligible for overtime pay and who was not. If one was eligible, they got paid time and a half for every hour they worked more than 40 hours a week. People should know that workers who stand to lose their overtime pay because of these new rules include foremen, assistant managers, registered nurses, workers who perform relatively small amounts of supervisory or administrative work, salespeople who perform some amount of work outside the office, chefs, nursery school teachers, workers in the financial services industry, insurance claims adjusters, journalists, funeral directors and embalmers, law enforcement officers, athletic trainers, and others from all different parts of the workforce.

I have listened to the gentleman from Ohio. I wish he were still in the room here. And the fact is that what he says about there being no law going

into effect, I think, has been soundly defeated by the comments from the Congressional Research Service and the gentleman from Wisconsin (Mr. OBEY). The fact of the matter is that if they had the facts, they would argue the facts, and they do not. If they had the law, they would argue the law, and they do not. So obfuscation is the rule of the day, and that attempt has now been put to rest. The people that the new rule would help, this amendment allows it to help. The people that it would harm and the confusion there is, is set aside by this amendment. So the only true course and the fair course to take at this point in time is to bring us all back to the House to set a good set of rules that protect the American worker and try to help out in this economy when things are so difficult and people are experiencing a squeeze.

Ms. DELAURO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Obey-Miller amendment. For 70 years, overtime pay has meant time and a half in this country. It has allowed the employee some flexibility to make some extra cash to put a roof over their family's heads, to buy groceries, to pay their medical bills. And without overtime, countless Americans, including some police officers, firefighters, nurses, EMTs, would be forced to take a second job to make up for the lost earnings, meaning more time away from their families and higher child care costs.

Absent this amendment, 6 million workers, some earning as little as \$23,660, will lose their right to overtime pay. I might just add at this moment this is pretty much in keeping with what this administration is about when they have denied the child tax credit to those families that make from \$10,500 to \$26,500. So they are in keeping with trying to continually put people who are making these wages in a very difficult economic position. The rule changes that we are talking about here that went into effect in August are designed to give companies the authority to withhold rightfully earned pay by their employees by weakening the 1938 Fair Standards Labor Act, protections that safeguard our workers' rights today and make mandatory overtime a less attractive option for the employer.

This paves the way for mandatory overtime, this at a time when we have more than 8 million Americans out of work, when income is declining, poverty is increasing, and 45 million Americans are without health insurance. This is an administration who says, with 8 million people out of work that they will not extend unemployment benefits. Historically, on a bipartisan basis when we have experienced significant unemployment in the United States, we have extended those benefits. But in talking some to folks at the Department of Labor, they have said that the reason why they will not extend those benefits is because if we do

it, these workers will not go out and look for a job. It gives us some idea of what kind of an opinion and view that this administration has for those who work for a living. Would that they would walk in the shoes of working men and women in this great country of ours.

To those who would argue that these rules expand overtime protections, I point them to a report by three of the highest-ranking career Department of Labor officials in the Reagan, Bush, and Clinton administrations, which found that all but one of these changes to the overtime rules take away workers' overtime rights.

Mr. Chairman, this is a matter of values, of our country's longstanding contract with working people that says hard work deserves to be rewarded. That is bedrock, that is what this Nation is built on, and yet this is an administration that will reward wealth but not work. That is what the Bush economy is all about. And these hard workers need to be rewarded especially when that work is above and beyond the call of duty after normal working hours.

That contract must be honored, and I urge my colleagues to support the Obey-Miller amendment.

Mr. HOLT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, for over half a century, the rules governing overtime pay eligibility have been pretty clear, and eligible employees are paid time and a half for every hour of work more than 40 hours in a single week. This, in fact, is a landmark in modern economic history.

I ask my colleagues to support the Obey amendment to stop the rollback of these rules, to stop these rules that would hurt American workers and their families. Make no mistake about it, this anti-overtime rule is a major step backward in the fight to reward work. I consider it an attack on the middle class that will lead to greater economic inequality.

Families all across America in all sorts of job categories depend on overtime pay to make ends meet. The families that will lose overtime protection will find that they have to work longer hours for significantly less money. Overtime pay accounts for approximately a quarter of the income, more than \$8,000 a year for families who earned overtime in 2000. As the pool of workers who are exempt from overtime is expanded, those workers who are not directly affected by the regulation will lose income as their opportunity to work overtime is diminished. This is consistent with what the majority has been doing in so many other areas, pushing compensatory time instead of pay, refusing to implement a living wage, and failing to extend unemployment benefits. They will say they are being compassionate, that, by their way of thinking, paying the workers less will make it easier for the employers to hire more workers and therefore more people will be paid.

This is bogus economics. This was debunked a century ago when it was shown that Henry Ford, by paying his workers more, he actually raised the economic activity. Claiming that lowering wages will somehow help working families ignores a century of economic understanding. It is a shame that at the same time the majority leadership is proposing to eliminate overtime pay for millions of workers, they are enacting huge tax breaks for the wealthiest 1% of Americans. Both proposals hurt hard-working middle class families.

Let me tell my colleagues, if we take away this overtime pay, these families will again be given the short shrift.

I urge my colleagues to support the Obey amendment.

Mr. WYNN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I found it very interesting that one of my colleagues earlier from the Republican side said this is about election-year politics and that is why we are doing it. Okay. Let us talk about election-year politics. In an election year, the American people get to evaluate what the current administration, the Bush administration, has been doing and ask the fundamental question: Are you better off today than you were 4 years ago? For millions of Americans, the answer is clearly no.

Under the Bush administration's leadership, our country has lost 1.7 million jobs. Wages have not kept pace with inflation. The new jobs that are being created, and there are only a few of those, do not pay as much as the jobs that are being lost to outsourcing, and the number of jobs being created does not even keep pace with the number of people who are entering the workforce.

The Census Bureau reported that the median household income has dropped over \$1,500 in real terms since President Bush took office, while the number of persons living in poverty and without health insurance increased for the third straight year to 45 million people. So, yes, this is an election year, and certainly this is a time to talk about the economy in terms of the lives of the American citizens.

This administration, to add insult to injury, now brings before us a proposal which would cut 6 million people from earning overtime. I think that is offensive. They will say that it will add more people. That is fine, and Democrats are happy to support any addition to the people who are eligible to earn overtime, but the question before us today, the question that is at the heart of the Obey-Miller amendment, is whether or not we ought to keep in place language from this administration that would cut 6 million people off the overtime list, keep them from earning critical overtime.

□ 1330

Let us see who we are talking about in this election year. Workers who are likely to see their pay cut by virtue of not being able to earn overtime include

2.3 million team leaders; almost 2 million low-level supervisors; hundreds of thousands of loan officers and other financial service employees; more than 1 million employees who lack college or graduate degrees or who may now be considered artistic professionals; 90,000 computer employees, film directors and embalmers; and more than 30,000 nursery school and Head Start teachers across the country.

In other words, this administration and my Republican colleagues through this measure to cut overtime are basically striking at the heart of the American middle class, and that is simply not right.

We are saying with the Obey-Miller amendment that, yes, we want to add people, and that part of your bill is fine, but, no, we do not want to take people off the overtime rolls; we want them still to be able to earn overtime and still be part of the middle class.

In fact, a quarter of the income earned by people who earned overtime last year was from that very overtime. In other words, it is overtime that is keeping a lot of Americans in the middle class. So when you cut overtime, you are cutting people out of the middle class; you are cutting people out of the American dream. We can and should do better. I urge support for the Obey-Miller amendment to restore overtime eligibility to 6 million hard-working Americans in the American middle class.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to join my colleagues today who have expressed outrage at the fact that these overtime regulations have been changed such that workers in this country who work overtime are not compensated for that time that they are working.

Millions of American workers count on this overtime pay as part of their basic income. They do not simply make it in this country based upon the 40 hour week and the money that they make then. They make ends meet because they are able to add the time and a half that comes from them having to work overtime.

Now, let us take this in this context. I often hear friends tell me, it could not be. No one would do that, not anybody that wants to grow this economy.

Well, I have to say to them, in fact, it is true. The Republican majority is taking away overtime pay from working Americans while they are giving the richest of Americans huge, huge tax breaks; tax breaks on capital gains, on estate taxes and dividend taxes. Well, how could this be? The idea is maybe if we give people with \$1 million or more of income a year, we are giving them \$100,000 in tax cuts, that will grow our economy.

What I find so interesting is when Republicans talk about tax cuts, they never seem to mention that the sales taxes are going up, they never seem to mention that the property taxes are

going up, they never seem to talk about cutting taxes on income for those on unemployment insurance.

Yes, Mr. Chairman, unemployment insurance is taxed, but you never hear about Republicans cutting those taxes, do you?

Mr. Chairman, I have found this a very interesting few years that I have been in the Congress. I have seen proposals to make Medicaid a block grant, so that entitlements are written at the State level, not the national level, so that people's health care will be determined on where they live in this country, not based upon whether they are in need.

I have seen all kinds of proposals on labor law, just as there is in this case, where workers are being punished for joining unions. I have seen where there are bills like the TEAM Act, which essentially decides what the manager is doing when they choose who they are going to negotiate with. That is their idea of TEAM Act: workers will be without a voice.

Then I see other bills, like OSHA reform, another "sounds good" reform, except you find out that really it is a voluntary program. No one will even know whether an employer will comply with it or not; and, hence, we have something that takes away from the protection and safety of workers on the job.

And in just this last budget, Mr. Chairman, we saw the President of the United States cut, cut the money for inspection of child labor. Get that. This Republican budget cut the inspection for companies around the world that may be using children in the course of their labor.

So it is interesting, because many people think we have left those days well behind us when there was child labor. Maybe we left those days long behind us where workers did not have a pension. Maybe we left those days behind us where workers could not have a 40-hour workweek and work overtime and be compensated time and a half. Maybe they think all of these things are back in the thirties or forties or maybe fifties.

What I am here to say is my experience being in a Republican-led Congress the last 10 years that I have been in the House of Representatives has led me to believe that the same battles for economic justice that people were fighting for over a generation ago are the same battles that we are having to fight all over again in the 2004.

This is what we are dealing with, my friends; and this, my friends, is the reason why we need to make a choice in this next campaign as to who we want leading our country. This is a perfect example of the fact that elections have consequences. If you vote for Republicans, you are voting to eliminate time and a half for workers who work more than 40 hours a week. If you vote for Republicans, you are voting to eliminate the entitlement for Medicaid. If you vote for Republicans, you

are voting to roll back in this country all of the progressive legislation that has been put forth that protects our workers in this country.

Let us support the Obey-Miller substitute.

Mr. McKEON. Mr. Chairman, I move to strike the requisite number of words.

(Mr. McKEON asked and was given permission to revise and extend his remarks.)

Mr. McKEON. Mr. Chairman, I rise today in strong opposition to the Obey amendment because it will preclude anyone making over \$20,000 a year from overtime.

I rise today in strong support for the Department of Labor's new 541 "white collar" overtime regulations. These updated rules, which have not been touched in over 50 years, will allow millions of American workers, who previously did not receive overtime, to obtain the overtime wages they deserve.

Under the former outdated rules, an individual earning as little as \$8,060 a year could be classified as a "white collar" employee, therefore being exempt from overtime pay.

The final rule guarantees that any worker making less than \$23,660 per year is entitled to overtime, which should provide an additional 1.3 million more Americans with overtime pay and strengthen existing protections for another 5.4 million salaried workers.

The final rule explicitly grants overtime protections for police officers, fire fighters, paramedics, EMTs, first responders and licensed practical nurses. These people put their lives on the line every day and should be properly compensated for making our lives and our country a safer and better place.

But the final rule does not stop there. It also clarifies that a veteran's status will not affect overtime pay and removes the reference to "training in the armed forces" that had been proposed in the earlier regulations and improperly exempted some veterans.

To close, I would like to extend my appreciation to Secretary Chao and the Department staff for their tireless efforts on behalf of America's workforce to ensure that all workers receive the overtime pay they have rightfully earned.

I urge my colleagues to vote "no" on the Obey Amendment.

Mr. BOEHNER. Mr. Chairman, will the gentleman yield?

Mr. McKEON. I yield to the gentleman from Ohio.

Mr. BOEHNER. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, Members should understand that the new rules that went into effect on August 23, in my opinion, will guarantee more overtime for more American workers than the rules that were in effect prior to that. It is because we guarantee anyone making up to \$23,660 overtime regardless of what their position is, where it was only \$8,060 before that. I think the clarity that comes with these new rules will help better protect the American workers.

I just received a letter from the U.S. Department of Labor, the Solicitor's Office. Let me quote in part:

"The Department of Labor has carefully reviewed this proposed amendment and analyzed its legal and practical effect. The proposed funding amendment will not repeal the new regulation that went into effect on August 23, 2004—employers will continue to determine an employee's eligibility for overtime according to the new tests. Rather, as we explain below, the amendment will essentially serve only to prevent the Department from using its enforcement resources to protect the overtime rights of any employee who earns \$455 or more per week."

Going on further in the letter they say: "Although we have not been able to obtain a copy, we understand that the Congressional Research Service provided an opinion in August that the funding rider would 'require' DOL to 'immediately rescind' the final rule. This claim is contrary to settled case law, the APA, and, most importantly, the plain language of the proposed amendment. The proposed amendment only restricts the Department's ability to spend funds to enforce the new, stronger overtime protections, but does not affect the validity of the rule and has no impact on private enforcement of the new regulations under section 16(b) of the Fair Labor Standards Act. Simply put, the amendment would not require the Department to take any action to repeal the new rules, and the Department will not repeal the final rule—because to do so would deprive workers of the new, stronger overtime protections."

Continuing: "Because the amendment essentially restricts the use of funds to implement or administer the new regulations, the proposed amendment would prevent the Department from conducting investigations or enforcing any of the provisions of the new regulations except those at 29 C.F.R. 541.600. The proposed funding restrictions will also preclude the Department of Labor from providing any information or assistance to employees or employers as to the new overtime rules. As an example, we will be powerless to bring an enforcement action on behalf of a licensed practical nurse making \$460 a week who claims that he or she was not paid for substantial amounts of overtime worked after August 23, 2004."

"Even if the Department were prohibited from enforcing the new regulations, the Department would still have no legal authority to enforce the old rules because the old regulations were superseded as of August 23, and, thus, are no longer in effect."

The point here is that the last two times this amendment has been on the floor, existing regulations were in place, but when the new rules went in place the old regulations went out of existence, and if the Obey amendment were in fact to pass today, we would essentially strip the Department of Labor's ability to enforce the new regulations and to protect the overtime rights of American men and women. I

do not think that is what we want to do.

So I would urge my colleagues to vote "no" on the Obey amendment.

Mr. GEORGE MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we have just seen the last desperate attempt by the Department of Labor to hold on to its outrageous regulations to take away overtime from 6 million hard-working Americans; 6 million Americans that use overtime to maintain their status in the middle class; 6 million Americans that use overtime to pay for their children's education, to qualify for their home, to make their car payments; 6 million Americans that hate overtime on Thursday and Friday night and over the weekend, but they love it at the end of the year when it is in their W-2 form.

It makes up a considerable amount of their yearly income. For those who receive overtime, it is as high as 20 to 25 percent of their income throughout the year. This is how they maintain their standard of living, by working overtime.

And what is overtime? It is the premium time you get paid because you were asked to work beyond your 40 hours. You get a premium because you have to go out and rearrange your child care arrangements, you have to change your doctor appointments, you have to limit your ability to see your children and participate in their school events or sporting activities. Because it imposes a burden on the worker and it gives a benefit to the employer, that is why it is premium time.

What does the Department of Labor do, what does the Bush administration do, and what is this Republican Congress trying to do? They are saying to the American worker, you are going to work the hours; you are just not going to get the pay.

This is the largest government-imposed pay cut in the history of this country, the largest government-imposed pay cut in the history of this country, when American workers are threatened by the outsourcing of their jobs, instability in the workplace, a struggling economy, their pensions are under assault, their companies are threatening to go to bankruptcy court to get rid of their health care, to get rid of their pensions, to undermine their wages, to take away their union contract, if they have one. And what is the Bush administration's response to this? To cut their overtime.

What is it that the middle class in America did that so enraged the Bush administration that they have an all-out attack on middle-class families, hard-working families in this country? What is it that the middle class did to anger them that they would undermine their pensions? What is it that the middle class did to anger them that they would try to take away their ability to control their workplace and the hours they work, to take away their over-

time pay, to try to get rid of their ability to organize?

□ 1345

It is the middle class that built this country. They built the great institutions of this country. They built the great structures of this country. They built our cities. They built our colleges. They built our universities. It is the middle class that we hold up to the rest of the world and say, if you have a large middle class, you can have a great democracy, if people truly believe that they are getting the chance to participate and to better the future of their children and to better their lot in life.

Now, all of a sudden, along comes the Bush administration, and they think the middle class is the enemy. They have been waging a campaign for 4 years against the middle class Americans and their standard of living. They have dramatically increased the debt that they are going to have to pay back to the government. They have dramatically underfunded the capabilities of Medicare and Social Security that the middle class is going to rely on for health care and for retirement. But I guess maybe the Bush administration, with their trust funds and their money and their oil companies, they do not understand that. They have never shared those burdens of the middle class.

So what we just saw here was the last attempt by the Solicitor in the Department of Labor, who has had to rewrite these regulations several times because they have never been able to get them right, because they have uncovered so many people they said were not uncovered, and they did not cover people they said were covered; but now that same Solicitor comes out and tries to tell us that if the Congress tampers with this, somehow it will undermine the rights of working people to get overtime.

Well, that is a Republican Solicitor working for the Republican Department of Labor, who is working for the Republican Secretary of Labor, who is working for the Republican President. But if you go to CRS, which is non-partisan, they simply say, we all understand this, we have seen these riders before. This tells you to go back to the regulations and reimplement the regulations that were in effect on July 14, 2004. That is the plain reading of this act, and Congress has done this many times.

So if you vote for this, what you will be doing is saving millions of people their right to overtime for the work that they provide. Millions of people who, if you do not vote for this, working foremen, working supervisors, assistant managers, team leaders, registered nurses, workers who perform a relatively small amount of supervisory amount of administrative work, they are going to take away your overtime if you tell somebody to stand over there or move over there.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The time of the gentleman from California (Mr. GEORGE MILLER) has expired.

(By unanimous consent, Mr. GEORGE MILLER of California was allowed to proceed for 3 additional minutes.)

Mr. GEORGE MILLER of California. Mr. Chairman, they are going to take away your overtime if you are a chef or a nursery school teacher. No matter how low your pay, they are going to take away your overtime. Workers in the financial services industries, the insurance claims adjusters, journalists; hello, journalists, you are about to lose your overtime.

What is it you guys have against these hard-working Americans that you are going to rip them off this pay that they are entitled to?

Well, let us understand. Let us understand what it is about. Let us understand that these are people who work hard and rely on this, and this Congress, this Congress should not be the handmaiden of this activity. And if this amendment prevails, if the Obey-Miller amendment prevails, these workers will have another chance at holding onto that pay for their work that is so terribly important to them.

I would hope that we would reject all of the scare tactics, we would reject the Solicitor that has not gotten it right yet, and we would reject the Department of Labor.

Remember the Department of Labor when they issued these regulations, they said none of these people are affected? Then Senator JUDD GREGG ran around and created an amendment and entered 50 categories of people that he wanted to exempt from the people that the Department of Labor said were not impacted. That is what the Republicans' response was in the Senate. They immediately exempted 50 professions because they were terrified that the regulations were wrong, and the regulations, in fact, turned out to be wrong. They said they did not cover fire and policemen, and then they had to cut a side deal with firemen and policemen because they were wrong.

So let us not trust the Solicitor of the Department of Labor. Let us go with what CRS says. This is what the Congress has done, and we do this every appropriations season on riders. This is a rider to protect the American wage-earner in this country, and I hope that we will pass it.

Mr. REGULA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, well, we are getting down to a close on this, and I think the fact that most of our speakers have been from the Committee on Education and Workforce illustrates the fact that this is a legislative issue that ought to be debated and dealt with there, but, in reality, it is before us.

But I want to just simply point out a few facts, and I hope that those of our colleagues who are listening will keep this in mind. That is that in the opin-

ion of the Solicitor from the Department of Labor, if we pass this amendment, it will preclude the Department of Labor from enforcing regulations. That means that every employee that wants to get overtime will have to do it on their own. It would be a bonanza for the legal profession, because they would be filing lawsuit after lawsuit to claim their overtime, alleged overtime, rights. So that is fact number 1.

Fact number 2, the allegation is that we would go back to the old regulations, but the truth of the matter is, they are gone. Therefore, the Obey amendment covers those people under \$23,600. But anyone over that amount, which is about 34 million workers, would have no coverage. Now, they can say, oh, yes, the old regulations would be put in place, and even if the Secretary of Labor were to attempt to do that, it would be subject to the rulemaking requirements, the rulemaking process, because the law requires that. And it took 2 years to do the new regulations, and, therefore, it would take at least 2 years to put back in place the old regulations.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, let me simply say, I understand the gentleman is trying to make a point, but the fact is, as the sponsor of the amendment, I will state categorically that legally the administration has the authority to reimpose those regulations within 1 day. And to suggest that they would not and leave the case that the gentleman is talking about is to suggest that they are even more irresponsible than I think they are.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think that is an opinion that would be subject to legal action. But I think, in my judgment, as I understand this, once the new regulations were put in place, the old ones are gone, and, therefore, to put the old ones back in place will require a new round of the rulemaking process. So you have employees over \$23,600 who are without coverage for a period of 2 years. They would have to try to enforce whatever might be perceived as overtime.

Would the gentleman from Wisconsin admit that he precludes the Department of Labor from enforcing these regulations, but that does not mean that they will, and they may do nothing, if the Obey amendment passes?

Mr. OBEY. Mr. Chairman, if the gentleman will yield, the CRS memo states that the general rule requiring publication of a final rule not less than 30 days before its effective date may likewise be voided "as otherwise provided by the agency for good cause found and published with the rule."

That means that they can reinstitute those rules on their own volition in 1 day.

I thank the gentleman.

Mr. REGULA. That is the CRS's opinion, and we would have to clarify that.

I yield to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I think it is pretty clear in the Solicitor's letter from the Department of Labor that they do not share the opinion of the Congressional Research Service. The fact of the matter is that even if they did, the gentleman's amendment, the Obey amendment, would preclude, would preclude the Department of Labor from advising employees, advising employers, and enforcing the law for anyone who makes over \$23,660 per year. It would preclude that action and that help for 1 year, under the gentleman's amendment.

I do not think we want to eliminate these protections and the enforcement of these protections by the Department of Labor.

Mr. REGULA. Mr. Chairman, reclaiming my time, I think the gentleman makes the point very clear.

I would say to my colleagues, when you vote on this, keep in mind that you are putting 34 million workers at risk who may end up with no coverage for as much as 2 years under the requirement of the rulemaking process to put anything back in place for these rules.

I want to make one other point, and that is that it has been raised that we had a motion to instruct. Keep in mind that when the motion to instruct, when many Members voted for it was when the old rules were still in place, and the motion to instruct would have allowed, had it actually been consummated, would have allowed the old rules to be enforced, but they are gone. They are gone. Therefore, there would not be anything out there if we take away the Department's authority, which is being proposed by this amendment.

So I have to reiterate that we are running a great risk that in passing this amendment, if it were to become law, that 34 million workers will be on their own.

Let me make a couple of other points, and that is, under the proposal of the Department of Labor, contracts can cover any matters of overtime rules. They can be put into union contracts, and it would supersede any departmental regulations. So any way we look at it, we are not doing people a favor by voting for this. I think, in fact, we are putting their overtime very much in jeopardy, and I hope my colleagues will consider that as they vote on this issue and on this proposed amendment.

Mr. GREEN of Texas. Mr. Chairman and Members, I'd like to thank my colleague, Mr. OBEY for offering this amendment.

The Department of Labor has implemented new overtime regulations that my colleagues on the other side of the aisle claim will bring 1.3 million new people into overtime eligibility. However, other independent studies such as



the one by The Economic Policy Institute report that at least 6 million will lose their overtime rights under this rule. Also, this analysis projects that only 400,000 low-income workers will now qualify for overtime pay. Not the 1.3 million claimed by the Administration.

Yesterday, leadership refused to debate this amendment because several of their colleagues would have voted for this amendment. This only indicates that both Republicans and Democrats know that passing this amendment is the right thing to do.

My home state of Texas has an unemployment rate higher than the national average and that's true for the City of Houston as well. Many of my constituents rely on what they make in overtime pay to keep the lights on in their homes. I think it's time we start thinking about our most important resource in this country: the American Worker, and vote "yes" to this amendment.

Mr. OWENS. Mr. Chairman, I rise in strong support of this amendment to restore overtime pay to millions of hard-working Americans, as proposed by my distinguished colleague from Wisconsin. I ask that my entire statement be printed in the RECORD and request permission to revise and extend my remarks.

Just 3 days ago this Nation celebrated Labor Day, honoring the millions of hard-working Americans we all depend upon to build and repair our homes, fix our cars, install neighborhood street lights, stock supermarket shelves, teach our preschoolers, care for elderly relatives, provide nursing care when we need it, prepare restaurant meals, report the local news, and patrol the streets to keep communities safe. By taking on such jobs, these workers keep America running. Yet these are they very same workers that the Bush Administration has now stripped of any right to overtime pay.

When the Department of Labor's final rule on overtime went into effect on August 23rd, some 6,000,000 American workers lost a right that had been guaranteed for more than 65 years under the Fair Labor Standards Act. That right is simple and straightforward. It guarantees that workers required to work overtime will get paid for those extra hours of work.

This simple right used to ensure that policemen and women, registered nurses, chefs, team leaders on construction sites, assistant managers in fast food restaurants, nursery school teachers, grocery clerks, car mechanics at the local dealership, and countless others were treated fairly. When their employers required them to work overtime, they were paid for that work. That is only fair and fair-ness used to be the American way.

But the Bush Administration and the Republican leadership in Congress have decided that fairness doesn't apply any more to these American workers. They have come up with a new scheme, which meets Webster's Dictionary definition of servitude. Under Republican management, employers can require these same employees to work as many hours over a standard 40 hour work week as they say, without paying the workers an extra dime.

What makes this Bush and Republican-backed scheme even worse is that it has no expiration date. Under seventeenth and eighteenth century indentured servitude, there was an end in sight. Once you paid off your indentureship, you were free and clear. Under the Bush Administration's final overtime regula-

tions, if you fit the category your employer can continue to require you to work overtime without pay for as far into the future as anyone can see. This kind of exploitation is blatantly un-American.

The amendment of my colleague from Wisconsin would overturn this un-American servitude scheme by rescinding the Bush Administration's harmful changes in overtime eligibility. At the same time, this amendment would require enforcement of the one noncontroversial provision in the final rule. This minor salary adjustment would ensure immediate expansion of overtime coverage.

Again, I strongly support this amendment to restore workers' overtime rights and return us to the 21st century norms of American fairness.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) will be postponed.

Mr. REGULA. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. MCKEON) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, had come to no resolution thereon.

#### LIMITATION ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 5006, DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

Mr. REGULA. Mr. Speaker, in the interests of expediting the rest of the afternoon and getting people out at a reasonable time, I ask unanimous consent that during further consideration of H.R. 5006 in the Committee of the Whole, pursuant to House Resolution 754, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 2;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER regarding NIMH grants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

An amendment by Ms. BORDALLO regarding Medicaid funding.

Each such amendment may be offered only by the Member named in this request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

□ 1400

The SPEAKER pro tempore (Mr. MCKEON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2005

The SPEAKER pro tempore. Pursuant to House Resolution 754 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 5006.

□ 1400

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human

Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, with Mr. THORNBERRY (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, a request for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) had been postponed and the bill was open from page 104, line 1, through page 105, line 16.

Pursuant to the order of the House of today, no further amendment to the bill may be offered except:

Pro forma amendments offered at any point by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate;

Amendments 1 and 3;

Amendment 6, which shall be debatable for 30 minutes;

An amendment by Mr. STARK regarding Centers for Medicare and Medicaid Services, which shall be debatable for 20 minutes;

An amendment by Mr. NEUGEBAUER, regarding NIMH grants;

An amendment by Mr. HAYWORTH regarding totalization agreements with Mexico, which shall be debatable for 30 minutes;

An amendment by Mr. GARRETT of New Jersey regarding participation by Federal employees in conferences;

An amendment by Mr. OBERSTAR regarding fatal chronic illness;

An amendment by Mr. RAMSTAD regarding SAMHSA;

An amendment by Mr. BROWN of Ohio regarding Centers for Medicare and Medicaid Services;

An amendment by Mrs. WILSON of New Mexico regarding Head Start;

An amendment by Mr. KING of Iowa regarding section 505 of the Illegal Immigration Reform and Responsibility Act;

An amendment by Mr. JOHN regarding mosquito control;

An amendment by Mr. KILDEE regarding education funding, which shall be debatable for 20 minutes; and

An amendment by Ms. BORDALLO regarding Medicaid funding.

Each amendment may be offered only by the Member named in the request or a designee, or the Member who caused it to be printed in the RECORD or a designee, shall be considered as read, shall not be subject to amendment, except pro forma amendments offered by the chairman or ranking minority member of the Committee on Appropriations or their designees for the purpose of debate, and shall not be subject to a demand for division of the question.

Except as otherwise specified, each amendment shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent. An amendment shall be considered to fit the description stated in this request if it addresses in whole or in part the object described.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. HAYWORTH:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used by the National Labor Relations Board to exert jurisdiction over any organization or enterprise pursuant to the standard adopted by the National Labor Relations Board in San Manuel Indian Bingo and Casino and Hotel Employees & Restaurant Employees International Union, AFL-CIO, CLC and Communication Workers of America, AFL-CIO, CLC, Party in Interest, and State of Connecticut, Intervenor, 341 NLRB No. 138 (May 28, 2004).

Mr. OBEY. Mr. Chairman, I reserve a point of order against the amendment, and I would ask the gentleman from Ohio if he intends to claim the time in opposition to the amendment. If he does not, then I would like to claim the time.

Mr. REGULA. No, I am not. I am going to support the amendment.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) reserves a point of order.

The gentleman from Arizona (Mr. HAYWORTH) is recognized for 15 minutes on his amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in May of 2004, the National Labor Relations Board overturned 30 years of its own precedent and ruled that it has jurisdiction over tribal government enterprises located on tribes' own sovereign lands. Where tribal law has governed relations between tribes and their employees, the National Labor Relations Board seeks to replace that law with its regulatory authority in this area. This decision by the NLRB is a frontal assault on tribal sovereign rights.

The National Labor Relations Act expressly exempts States, cities, and local governments from its coverage; and the NLRB has ruled that territorial governments, such as Puerto Rico and Guam, are also exempt from its jurisdiction. But the National Labor Relations Board incorrectly decided that it should exercise its own jurisdiction over tribal governments on their own lands. If this unfair decision stands, the only governments that will be subject to NLRB jurisdiction will be tribal governments.

There is a basic misunderstanding here, Mr. Chairman. The NLRB misunderstands that tribal governments, like State governments, rely upon government-owned enterprises to generate revenue to support governmental purposes, such as reservation law enforcement and fire services, and programs for the health, education and welfare benefit of tribal members. Consistent with the policy behind the NLRA ex-

emptions for governments, private parties such as labor unions should not be able to hold government-owned enterprises hostage where disagreements arise.

Ironically, the NLRB specifically ruled against the San Manuel Band of Mission Indians, a tribe based in Southern California, that has enacted into its tribal law a tribal labor relations ordinance with greater, let me repeat this, with greater labor union rights than the National Labor Relations Act. In fact, the tribe has a collective bargaining agreement with the Communication Workers of America. The heavy-handed, activist NLRB overlaid an incompatible legal regime where a tribal one, agreed to on a government-to-government basis with the State of California, was in place and was, in fact, working. Now, San Manuel and other tribes have conflicting laws and great uncertainty about which law applies.

I strongly support the tribes in their efforts to protect their sovereign rights. Congress should reaffirm these rights and make clear that tribes are exempt from the NLRA, which was the view of the National Labor Relations Board until this misguided decision was promulgated.

There are certainly sound policy reasons for such a fix. Tribes are sovereign governments that exercise jurisdiction over their own territory. Although some Federal laws compel tribes to deal with other sovereigns, such as States, on a government-to-government basis, this NLRB decision would force tribes to deal with private entities, labor unions, for the first time, contrary to long-established Federal Indian policy.

But until Congress can consider a permanent solution to this problem, this amendment, Mr. Chairman, would have the effect of calling a temporary time out to allow this body to more thoroughly consider a more substantive solution, to avoid additional confusion among the tribes and to limit unnecessary conflict between tribes and labor unions.

Mr. Chairman, this amendment enjoys broad-based support from across the width and breadth of Indian Country. The National Congress of American Indians, the oldest and largest intertribal organization in the United States, and the National Indian Gaming Association strongly support this amendment. The San Manuel Band of Mission Indians, along with many other tribes, also have weighed in with strong support for this amendment.

Mr. Chairman, this is a question of sovereignty. We dare not equivocate nor abdicate the role of Congress in dealing with government-to-government relationships and the sovereignty that tribes enjoy. Accordingly, Mr. Chairman, I would urge all to vote in favor of this amendment because it is a vote that supports sovereignty for Indian nations and a vote for the fundamental rights of the first Americans to

maintain their status of sovereignty and their rights as sovereign governments.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) seek to control the time in opposition?

Mr. OBEY. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 15 minutes.

Mr. OBEY. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. KILDEE), ranking member on the subcommittee with jurisdiction.

Mr. KILDEE. Mr. Chairman, as a Member with a lifelong and established record of being an advocate for protecting the sovereign rights of Indian tribes, I rise in opposition to this amendment.

Since first becoming aware of the unfavorable administrative ruling of the National Labor Relations Board that determined it has jurisdiction to regulate the labor practices of on-reservation tribal enterprises under the National Labor Relations Act, I, along with my Democratic colleagues, the gentlewoman from California (Minority Leader PELOSI), the gentleman from California (Mr. GEORGE MILLER), the gentleman from West Virginia (Mr. RAHALL), and others have been participating in ongoing, sincere discussions between tribal representatives and representatives of labor.

The purpose of these discussions is to work out a permanent legislative solution that honors the principles of tribal sovereignty and Labor's traditional role of collective bargaining.

The amendment offered today by my dear friend, the gentleman from Arizona (Mr. HAYWORTH), undermines the ongoing discussions we have had, because this temporary fix would harm the amicable relationship between the parties involved and would possibly destroy our efforts to seek a permanent legislative solution that is mutually satisfactory to all parties.

I have met with the various parties in my own office. They are in an active discussion trying to seek a permanent solution. I am convinced that this temporary solution will interfere with those negotiations to reach that which the gentleman from Arizona (Mr. HAYWORTH) and I share in common, some solution and some balance to this very important principle embodied in our Constitution of retained sovereignty and collective bargaining.

I am convinced, or I would not be standing here, that we will get a solution satisfactory to both sides on this issue.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I have a great deal of respect for my colleague from Michigan, and it is an honor to cochair with my colleague the Native American Caucus in this body, and listening to

his rationale in response, quite candidly, is a bit confusing because on more than one occasion we have stood united on this basic point, that sovereignty is nonnegotiable. Yet the foundation of his argument is that an amicable relationship exists between some in this House and some in organized labor and some in the tribes; and if they only have the time, they can work this out. Mr. Chairman, I find that rationale one that just does not pass muster.

Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. BOEHNER), my friend.

Mr. BOEHNER. Mr. Chairman, let me thank my colleague for the time and let me congratulate him on his amendment. I think his amendment is a reasonable solution to a growing problem and deserves our support.

Simply put, it reverses a jurisdictional land grab by the National Labor Relations Board that would reverse 30 years of policy and precedent which held that jobs on reservations are not subject to the Federal labor board's jurisdiction because tribes are sovereign nations.

Until recently, the NLRB held that the National Labor Relations Act did not extend jurisdiction over tribal activities that were located on Native American lands, consistently holding for years that tribes are units of government and exempt from Federal labor law. If tribal activities occurred off Native American lands, the NLRB had discretionary jurisdiction under the National Labor Relations Act, which it would assert if it was appropriate. Yet, earlier this year, the NLRB took the unusual step of ruling that it had the authority to settle a labor dispute on Native American land.

In this case, the NLRB held that it has discretionary jurisdiction over all tribal activities whether located on or off Native American land, which it would now assert on a case-by-case basis. Now, this is a critical blow to tribal sovereignty, and I believe that the effect of the gentleman's amendment would be to stay this decision by the NLRB. Those conversations that are under way can continue to see if there is some way to come to some agreement on this; but to let this decision stand I think is a mistake, and I think the gentleman's amendment has an awful lot of merit.

□ 1415

The Federal Government has passed numerous laws to enhance tribal self-determination and give Native Americans the ability to govern themselves from intrusive Federal interference. It is simply irrational for Congress to declare that tribes should govern themselves and then take away their ability to do so. Restoring this fundamental right, I think, is the right thing to do.

The amendment before us simply reverses the erroneous NLRB decision and restores tribal sovereignty, and I urge my colleagues to support the amendment.

Mr. OBEY. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. KENNEDY).

Mr. KENNEDY of Rhode Island. Mr. Chairman, I wish to thank my colleague from Wisconsin (Mr. OBEY) for yielding me this time.

I find it very interesting that we hear a lot from the other side today about sovereignty, and they are all very excited about it, as if they have just discovered it. It is interesting to hear about sovereignty from the other side, because where were they when we were trying to get sovereignty included in homeland security? Where were they when we were trying to get sovereignty included into all of the other issues, like the environment? Where were they when we tried to get sovereignty into the welfare reform bill, and tribes had to go through States rather than have that money disbursed to them directly, as they should under the trust responsibility?

There have been many votes that have been cast on this floor, and I would venture to say most of these votes, because they are brought up by the majority, I think give the true explanation as to what this debate is all about. We have seen more votes that are antisovereignty votes on this floor in the last several years than the gentleman from Michigan (Mr. KILDEE), who has been here for over 20 years, has ever recalled.

So when some of my friends on the other side call into question the commitment of the gentleman from Michigan (Mr. KILDEE), when it was that gentleman who was the author of the IGRA legislation that provided for sovereignty, I find that suspect. When people talk about, oh, it is sovereignty, and yet where were they when it came to the meetings that took place so that we could get a resolution of this issue?

My colleagues, I do not think this is so much about sovereignty as it is election-year politics. That is what this is about, make no mistake about it. If there was a true interest in getting this issue resolved, this issue could be resolved.

Mr. HAYWORTH. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. REGULA), the chairman of the subcommittee.

Mr. REGULA. Mr. Chairman, I just want to rise in support of the amendment. The decision on sovereignty will not be made today, it was made a couple hundred years ago when our forefathers decided they wanted to take these lands, and in the process they granted the Indian tribes sovereignty.

Sovereignty is the issue, and the gentleman's amendment does respect the sovereignty of the tribes that they received in the early years of this Nation.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Virginia.

(Mr. WOLF asked and was given permission to revise and extend his remarks.)

Mr. WOLF. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, I just want to inform the House of something that I think is very important. Over the last year, Mr. Chairman, we have watched the horrors of Darfur unfold before our very eyes. President Bush and Secretary Powell, the Congressional Black Caucus, and Members on both sides have focused on this issue and using every tool possible to save life.

Today the United States took the historic step of calling what is occurring in Darfur, Sudan, genocide. In his testimony this morning before the Senate Foreign Relations Committee, Secretary of State Colin Powell stated: "We concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility, and genocide may still be occurring. We believe, in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obligated under the Convention to prevent and punish acts of genocide. To us, at this time, it appears Sudan has failed to do so." And then he went on to say what the position is.

I want to thank President Bush, and I want to thank Secretary Powell, and I want to thank the people in the State Department for calling this genocide and to doing everything they can to stop the genocide that is taking place in Sudan.

Remember Rwanda? Nobody would say anything about Rwanda. This administration has said it is genocide, and I say, God bless President Bush and God bless Secretary Powell.

Mr. Chairman, I submit for the CONGRESSIONAL RECORD the full remarks of Secretary Powell before the Senate Foreign Relations Committee:

THE CRISIS IN DARFUR

(By Secretary Colin L. Powell)

Mr. Chairman, members of the committee, thank you for the opportunity to testify on the situation in Darfur. Let me start by reviewing a little history.

The violence in Darfur has complex roots in traditional conflicts between Arab nomadic herders and African farmers. The violence intensified during 2003 when two groups—the Sudan Liberation Movement and the Justice and Equality Movement—declared open rebellion against the Government of Sudan because they feared being on the outside of the power and wealth-sharing agreements in the north-south negotiations. Khartoum reacted aggressively, intensifying support for Arab militias, the so-called jinjaweid. The Government of Sudan supported the jinjaweid, directly and indirectly, as they carried out a scorched-earth policy towards the rebels and the African civilian population.

Mr. Chairman, the United States exerted strong leadership to focus international attention on this unfolding tragedy. We first took the issue of Sudan to the United Nations (UN) Security Council last fall. President Bush was the first head of state to condemn publicly the Government of Sudan and to urge the international community to in-

tensify efforts to end the violence. In April of this year, the United States brokered a ceasefire between the Government of Sudan and the rebels, and then took the lead to get the African Union (AU) to monitor that ceasefire.

As some of you are aware, I traveled to the Sudan in midsummer and made a point of visiting Darfur. It was about the same time that Congressman Wolf and Senator Brownback were here, as well as Secretary General Kofi Annan. In fact, the Secretary General and I were able to meet and exchange notes. We made sure that our message to the Sudanese government was consistent.

Senator Brownback can back me up when I say that all of us saw the suffering that the people of Darfur are having to endure. And Senator Corzine was just in Darfur and can vouch for the fact that atrocities are still occurring. All of us met with people who had been driven from their homes—indeed many having seen their homes and all their worldly possessions destroyed or confiscated before their eyes—by the terrible violence that is occurring in Darfur.

During my visit, humanitarian workers from my own Agency—USAID—and from other Non-Governmental Organizations (NGOs), told me how they are struggling to bring food, shelter, and medicines to those so desperately in need—a population of well over one million.

In my midsummer meetings with the Government of Sudan, we presented them with the stark facts of what we knew about what is happening in Darfur from the destruction of villages, to the raping and the killing, to the obstacles that impeded relief efforts. Secretary General Annan and I obtained from the Government of Sudan what they said would be firm commitments to take steps, and to take steps immediately, that would remove these obstacles, help bring the violence to an end, and do it in a way that we could monitor their performance.

There have been some positive developments since my visit, and since the visit of Senator Brownback, Congressman Wolf, and the Secretary General.

The Sudanese have met some of our benchmarks such as engaging in political talks with the rebels and supporting the deployment of observers and troops from the AU to monitor the ceasefire between Khartoum and the rebels. Some improvements in humanitarian access have also occurred through the government continues to throw obstacles in the way of the fullest provision of assistance.

The AU Ceasefire Commission has also been set up and is working to monitor more effectively what is actually happening in Darfur. The general who is in charge of that mission, a Nigerian general by the name of Okonkwo, is somebody that we know well. He is the same Nigerian general who went into Liberia last year and helped stabilize the situation there.

The AU's mission will help to restore sufficient security so that these dislocated, starving, hounded people can at least avail themselves of the humanitarian assistance that is available. But what is really needed is enough security so that they can go home. And what is really needed is for the jinjaweid militias to cease and desist their murderous raids against these people—and for the Government in Khartoum to stop being complicit in such raids. Khartoum has made no meaningful progress in substantially improving the overall security environment by disarming the jinjaweid militias or arresting its leaders.

So we are continuing to press that Government and we continue to monitor them. We continue to make sure that we are not just left with promises instead of actual action

and performance on the ground. Because it is absolutely clear that as we approach the end of the rainy season, the situation on the ground must change, and it must change quickly. There are too many tens upon tens of thousands of human beings who are at risk. Some of them have already been consigned to death because of the circumstances they are living in now. They will not make it through the end of the year. Poor security, inadequate capacity, and heavy rains (which will not diminish until late September) continue to hamper the relief effort.

The UN estimates there are 1,227,000 Internally Displaced Persons (IDPs) in Darfur. In July, almost 950,000 IDPs received some form of food assistance. About 200,000 Sudanese refugees are being assisted by UNHCR and partner organizations in Chad. The World Food Program (WFP) expects two million IDPs will need food aid by October.

U.S. Government provision of aid to the Darfur crisis in Sudan and Chad totaled \$211.3 million as of September 2, 2004. This includes \$112.9 million in food assistance, \$50.2 million in non-food assistance, and \$36.4 million for refugees in Chad, \$5 million for refugee programs in Darfur, and \$6.8 million for the African Union mission.

The U.S. also strongly supports the work of the AU monitoring mission in Darfur. In fact, 23 initiated the Mission through base camp set-up and logistics support by a private contractor. The Mission is staffed with 125 AU monitors now deployed in the field and has completed approximately 20 investigations of cease-fire violations. The AU monitoring staff is supported by a protection force of 305, made up of a Rwandan contingent of 155 (they arrived on August 15) and a Nigerian contingent of 150 (they arrived on August 30). Recognizing the security problems in Darfur, the UN and the U.S. have begun calling for an expanded AU mission in Darfur through the provision of additional observers and protection forces. Khartoum appears to have signaled a willingness to consider an expanded mission.

I am pleased to announce, Mr. Chairman, that the State Department has identified \$20.5 million in FY04 funds for initial support of this expanded mission. We look forward to consulting with the Congress on meeting additional needs.

As you know, as we watched through the month of July, we felt more pressure was required. So we went to the UN and asked for a resolution. We got it on July 30.

Resolution 1556 demands that the Government of Sudan take action to disarm the jinjaweid militia and bring jinjaweid leaders to justice. It warns Khartoum that the Security Council will take further actions and measures—UN-speak for sanctions—if Sudan fails to comply. It urges the warring parties to conclude a political agreement without delay and it commits all states to target sanctions against the jinjaweid militias and those who aid and abet them as well as others who may share responsibility for this tragic situation. Too many lives have already been lost. We cannot lose any more time. We in the international community must intensify our efforts to help those imperiled by violence, starvation and disease in Darfur.

But the Government of Sudan bears the greatest responsibility to face up to this catastrophe, rein in those who are committing these atrocities, and save the lives of its own citizens. At the same time, however, the rebels have not fully respected the ceasefire. We are disturbed at reports of rebel kidnappings of relief workers. We have emphasized to the rebels that they must allow unrestricted access of humanitarian relief workers and supplies and cooperate fully, including with the AU monitoring mission.

We are pleased that the Government of Sudan and the rebels are currently engaged in talks in Abuja, hosted by the AU. These talks are aimed at bringing about a political settlement in Darfur. The two sides have agreed on a protocol to facilitate delivery of much-needed humanitarian assistance to rebel-held areas, and are now engaged in discussions of a protocol on security issues. We are urging both sides to intensify negotiations in order to reach a political settlement.

At midsummer, I told President Bashir, Vice President Taha, Foreign Minister Ismail, the Minister of Interior and others, that the United States wants to see a united, prosperous, democratic Sudan. I told them that to that end we are fully prepared to work with them. I reminded them that we had reached an historic agreement on June 5—an agreement between the Government of Sudan and the Sudan People's Liberation Movement (SPLM). That agreement covered all the outstanding issues in the north-south process.

Since then, the parties have been engaged in final negotiations on remaining details. However, the parties are stuck on the specifics of a formal ceasefire agreement and have not yet begun the final round of implementation modalities. Special Envoy Sumbeiywo met recently with the parties, but could not resolve the remaining ceasefire-related issues. Khartoum appears unwilling to resume talks at the most senior level, claiming it must focus on Darfur. That would be fine if its focus were the right focus. But it is not. The SPLM is more forward leaning, but still focused on negotiating details. We believe that a comprehensive agreement would bolster efforts to resolve the crisis in Darfur by providing a legal basis for a political solution (decentralization) and by opening up the political process in Khartoum.

President Bashir has repeatedly pledged to work for peace, and he pledged that again when we met in midsummer. But President Bush, this Congress, Secretary General Annan and the international community want more than promises. We want to see dramatic improvements on the ground right now. Indeed, we wanted to see them yesterday.

In the meantime, we are doing all that we can. We are working with the international community to make sure that all of those nations who have made pledges of financial assistance meet those pledges. In fact, the estimated needs have grown and the donor community needs to dig deeper. America has been in the forefront of providing assistance to the suffering people of Darfur and will remain in the forefront. But it is time for the entire international community to increase their assistance. The U.S. has pledged \$299 million in humanitarian aid through FY05, and \$11.8 million to the AU mission, and we are well on the way to exceeding these pledges.

SYG Annan's August 30 report called for an expanded AU mission in Darfur to monitor commitments of the parties more effectively, thereby enhancing security and facilitating the delivery of humanitarian assistance. The report also highlighted Khartoum's failure to rein in and disarm the jinjaweid militia, and noted that the Sudanese military continued to take part in attacks on civilians, including aerial bombardment and helicopter strikes.

We have begun consultation in New York on a new resolution that calls for Khartoum to cooperate fully with an expanded AU force and for cessation of Sudanese military flights over the Darfur region. It also provides for international overflights to monitor the situation in Darfur and requires the

Security Council to review the record of Khartoum's compliance to determine if sanctions, including on the Sudanese petroleum sector, should be imposed. The resolution also urges the Government of Sudan and the SPLM to conclude negotiations on a comprehensive peace accord.

And finally there is the matter of whether or not what is happening in Darfur is genocide.

Since the U.S. became aware of atrocities occurring in Sudan, we have been reviewing the Genocide Convention and the obligations it places on the Government of Sudan.

In July, we launched a limited investigation by sending a team to refugee camps in Chad. They worked closely with the American Bar Association and the Coalition for International Justice and were able to interview 1,136 of the 2.2 million people the UN estimates have been affected by this horrible violence. Those interviews indicated:

A consistent and widespread pattern of atrocities (killings, rapes, burning of villages) committed by jinjaweid and government forces against non-Arab villagers;

Three-fourths (74%) of those interviewed reported that the Sudanese military forces were involved in the attacks;

Villages often experienced multiple attacks over a prolonged period before they were destroyed by burning, shelling or bombing, making it impossible for villagers to return.

When we reviewed the evidence compiled by our team, along with other information available to the State Department, we concluded that genocide has been committed in Darfur and that the Government of Sudan and the jinjaweid bear responsibility—and genocide may still be occurring. Mr. Chairman, we are making copies of the evidence our team compiled available to this committee today.

We believe in order to confirm the true nature, scope and totality of the crimes our evidence reveals, a full-blown and unfettered investigation needs to occur. Sudan is a contracting party to the Genocide Convention and is obliged under the Convention to prevent and to punish acts of genocide. To us, at this time, it appears that Sudan has failed to do so.

Article VIII of the Genocide Convention provides that Contracting Parties "may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in Article III."

Today, the U.S. is calling on the UN to initiate a full investigation. To this end, the U.S. will propose that the next UN Security Council Resolution on Sudan request a UN investigation into all violations of international humanitarian law and human rights law that have occurred in Darfur, with a view to ensuring accountability.

Mr. Chairman, as I said the evidence leads us to the conclusion that genocide has occurred and may still be occurring in Darfur. We believe the evidence corroborates the specific intent of the perpetrators to destroy "a group in whole or in part". This intent may be inferred from their deliberate conduct. We believe other elements of the convention have been met as well.

Under the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, to which both the United States and Sudan are parties, genocide occurs when the following three criteria are met:

Specified acts are committed: (a) killing; (b) causing serious bodily or mental harm; (c) deliberately inflicting conditions of life calculated to bring about physical destruction of a group in whole or in part; (d) impos-

ing measures to prevent births; or (e) forcibly transferring children to another group;

These acts are committed against members of a national, ethnic, racial or religious group; and

They are committed "with intent to destroy, in whole or in part, [the group] as such".

The totality of the evidence from the interviews we conducted in July and August, and from the other sources available to us, shows that:

The jinjaweid and Sudanese military forces have committed large-scale acts of violence, including murders, rape and physical assaults on non-Arab individuals;

The jinjaweid and Sudanese military forces destroyed villages, foodstuffs, and other means of survival;

The Sudan Government and its military forces obstructed food, water, medicine, and other humanitarian aid from reaching affected populations, thereby leading to further deaths and suffering; and

Despite having been put on notice multiple times, Khartoum has failed to stop the violence.

Mr. Chairman, some seem to have been waiting for this determination of genocide to take action. In fact, however, no new action is dictated by this determination. We have been doing everything we can to get the Sudanese government to act responsibly. So let us not be preoccupied with this designation of genocide. These people are in desperate need and we must help them. Call it a civil war. Call it ethnic cleansing. Call it genocide. Call it "none of the above." The reality is the same: there are people in Darfur who desperately need our help.

I expect that the government in Khartoum will reject our conclusion of genocide anyway. Moreover, at this point genocide is our judgment and not the judgment of the International Community. Before the Government of Sudan is taken to the bar of international justice, let me point out that there is a simply way for Khartoum to avoid such wholesale condemnation. That way is to take action.

The government in Khartoum should end the attacks, ensure its people—all of its people—are secure, hold to account those who are responsible for past atrocities, and ensure that current negotiations are successfully concluded. That is the only way to peace and prosperity for this war-ravaged land.

Specifically, Mr. Chairman, the most practical contribution we can make to the security of Darfur in the short-term is to increase the number of African Union monitors. That will require the cooperation of the Government of Sudan.

In the intermediate and long term, the security of Darfur can be best advanced by a political settlement at Abuja and by the successful conclusion of the peace negotiations between the SPLM and the Government of Sudan.

Mr. OBEY. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I rise in opposition to the Hayworth amendment. I think it is unfortunate, as the gentleman from Michigan (Mr. KILDEE) pointed out, that this amendment is offered here. This amendment will not stop the impact of the NLRB ruling, it will simply stop the enforcement of that act, so those who want to seek to organize under the act will go forward,

and we will find out about penalties for noncompliance or the results of the actions much later, some years from now, if this amendment passes.

But I think it is also important to note the gentleman sort of belittled the efforts of the gentleman from Michigan (Mr. KILDEE), myself, the leaders of the tribes, the leaders of the AFL-CIO sitting down together to work this out. And yet he cites that the California arrangement was basically the subject of negotiations where, in fact, the tribes, the labor unions, and Governor Schwarzenegger came up with an arrangement that some say is stronger than the current National Labor Relations Act.

The point is these are good-faith negotiations. We have had several meetings. Many people were surprised that either of those organizations would walk into the same room to sit down and discuss this, but they recognized the problem here. The problem, unlike State governments, is that you have tens of thousands of workers and potentially many tens of thousands of workers working in Indian gaming facilities, who, if they are not properly treated, if they are mistreated, not saying they will be, they are not enrolled members of the tribe, and they really have no recourse. They have no recourse to that activity. They cannot vote against the mayor, they cannot recall the city council, they cannot organize their fellow citizens because they are not members of that tribe.

As my colleague knows, in many of these instances, the size of the tribe may be a couple hundred people. Obviously, they cannot run a casino because the workforce there is several thousand of those individuals. So I do not think it is a matter of national policy. And the Indians have recognized this in our discussions, that you would leave people without some recourse to an ability to organize. That is why they have recognized, at least in these discussions, that we should go forward and try to see whether or not we can develop a system that honors sovereignty and is a parallel system to provide for the protection and the recognition of these workers.

That is, in effect, what we are doing now. And I did not quite understand the previous exchange, because the suggestion is somehow that this is make-work. I hope not, because I, obviously, and many of the people in that room are very prominent people and very busy people. I hope we are not wasting our time.

Now, what has happened since this amendment appeared, those meetings have all been canceled. So I think it has been destructive to that process.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. GEORGE MILLER of California. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my friend for yielding, and this would make the point. In terms of the negotiations in California, were they

not, in fact, conducted on a government-to-government basis?

The CHAIRMAN pro tempore (Mr. THORNBERRY). Time of the gentleman from California (Mr. GEORGE MILLER) has expired.

Mr. HAYWORTH. Mr. Chairman, I yield 30 seconds to my friend, the gentleman from California.

Mr. GEORGE MILLER of California. Mr. Chairman, I thank the gentleman for yielding me this time, and I am sorry, but I will have to ask him to repeat the question.

Mr. HAYWORTH. Mr. Chairman, if the gentleman will yield to me for that purpose.

The gentleman talked about the California situation and the negotiations that went on in the gentleman's home State. I would just simply ask: Were not those negotiations conducted with sovereign tribal entities negotiating with the State of California on a government-to-government basis?

Mr. GEORGE MILLER of California. Reclaiming my time, which the gentleman yielded to me, Mr. Chairman, I would respond that, actually the chairman of the San Manuel Tribe will say no; that that was not the case. But I would tend to agree with the gentleman. Exactly.

That is what we are trying to do here as representatives of the Federal Government, recognizing the doctrine of sovereignty and protecting that with the tribes.

Mr. HAYWORTH. Which is exactly my point.

Mr. Chairman, I yield myself 1 minute, and I would simply make the point in response that what we are dealing with here today, contrary to the comments of my friend from Rhode Island, sovereignty was not created in the wake of IGRA. Indeed, a part of the Indian Gaming Regulatory Act was a government-to-government negotiation between sovereign tribes and the respective States.

Now, with reference to what has gone on and what has been described as productive negotiations, yes, indeed, tribes met with several union officials in attempts to negotiate. Our understanding is essentially the negotiations went nowhere. And, Mr. Chairman, the tribes are in no position to negotiate because of this NLRB ruling. This amendment is an immediate solution for now, and it will fix this problem, offering a time out, until a final solution can be crafted.

Sovereignty is not conditional. We cannot accept it in some instances, but then, when it somehow is politically inconvenient, ignore it in others. That is why this amendment should be passed, and I ask my colleagues to join me in this.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore. Does the gentleman from Wisconsin (Mr. OBEY) continue to reserve his point of order on this amendment?

Mr. OBEY. Mr. Chairman, I withdraw my reservation.

Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank my friend, the gentleman from Wisconsin, for yielding me this time.

For the first time, under the San Manuel decision, workers at Indian casinos, Indians and non-Indians alike, enjoy the full protection of the NLRA's right to organize and right to engage in collective bargaining. The right to organize and collectively bargain, those rights are internationally recognized ILO human rights.

Many tribes have established tribal labor ordinances pursuant to State gaming compacts. Basic labor rights, including the right to free association, the right to collective bargaining, and labor rights that are reflected in both the NLRA and many tribal labor ordinances, are the rights that we insist on in international trading with our international trading partners, including underdeveloped nations.

We insist that labor rights be enforced in international trade agreements. We include provisions in trade agreements to protect those rights. We debate those rights on the House floor. We insist upon that, yet this amendment denies those rights to workers in the United States.

This amendment leaves workers with no enforceable right to organize or to engage in collective bargaining. So we are saying to other countries, do it there, but in our own country we are not preserving and protecting those labor rights, the rights to organize and the rights to bargain collectively.

Rather than pass this amendment, Mr. Chairman, we should be working with both tribal and labor representatives to discuss solutions to the potential conflict between workers' rights and tribal sovereignty. The Hayworth amendment pits workers' rights against tribal rights. Ultimately, it damages both.

I urge my colleagues to oppose the amendment.

Mr. HAYWORTH. Mr. Chairman, I yield myself 1 minute.

It is interesting to listen to my friend, the gentleman from Ohio (Mr. BROWN), try to characterize this amendment, when I think more accurately we would characterize this as a choice. And this is the choice to make in this Chamber, and, Mr. Chairman, especially for those who say time and again they are friends of sovereignty.

Are we, in fact, going to respect the provisions in Article I, section 8 of our Constitution that grants sovereign rights and sovereign immunity to Indian tribes in that document of limited and specified powers, or are we going to make a change for political convenience, for political alliances?

And I understand it may be very uncomfortable for some in this Chamber, but are we basically going to say, Mr. Chairman, that the rights of union negotiations supersede the rights of sovereignty?

Make no mistake, Mr. Chairman, in this Chamber, at this time, this decision will be made. And I would offer for

all to note that we should never suborn sovereignty for political convenience. We dare not make that mistake. Support this amendment.

Mr. Chairman, I reserve the balance of my time.

□ 1430

Mr. OBEY. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Nevada (Ms. BERKLEY).

Ms. BERKLEY. Mr. Chairman, I rise in opposition to the Hayworth amendment. Tribal nations have established commercial gaming enterprises because of the economic prospects and to improve the living conditions of their tribal members. Before gaming, many of these tribes had little or no economic development and next to nothing on their lands to provide a foundation of commerce.

If you had come to Las Vegas when my family came to Las Vegas over 4 decades ago, you would have found similar circumstances. A remote place in the Nevada desert with virtually no economic activity. My community looked to gaming, and now Las Vegas has one of the most vibrant economies in the United States. The key to Las Vegas' success is a strong relationship between labor and management. As a result, our casino workers have good-paying jobs, good benefits, good working conditions. Workers at tribal gaming facilities deserve the same.

The National Labor Relations Board ruled it has jurisdiction at casinos operated by American Indian tribes. This decision ensures that the rights of all workers in this country, including those working on tribal lands, are protected. Las Vegas is a shining example of why such an atmosphere of respect between employees and employers strengthens the entire community.

I urge my colleagues to vote against this amendment which is one-sided and jeopardizes ongoing discussions between those parties impacted by the ruling. Rather than resolving the situation, this amendment may only cause deterioration in efforts to come to mutually beneficial solutions. The NLRB has ruled and this Congress should not overturn that ruling.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Chairman, there is a little bit of having it both ways. The gentleman from Arizona says he respects the California compacting process; yet in the 106th and 107th Congress, we debated this amendment when he wanted to prohibit the State of California or any entity negotiating a compact with the Indians from even discussing labor rights. I am a little bit confused here about what it is.

The gentleman does not like the negotiations that were going on because he likes what California is doing, but now we see in fact this amendment is not just about what happened with the National Labor Relations Act, because

he has been trying to prevent the tribes or States from engaging in any discussion on terms and conditions of employees. This was long before.

The gentleman does not come here with some pure heart. The gentleman is subsuming what those compacts could be about; and this Congress, recognizing sovereignty, passed legislation to allow for that compacting to take place. That is what the law is, that those arrangements take place between the governors and the tribes.

Mr. OBEY. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, while I respect my colleague from Arizona, I do not think this is the right time or right vehicle to consider this issue. As we have seen time and time again, the Native American Caucus has been unified on amendments and bills that benefit Indian Country. Today that is not the situation.

Mr. Chairman, as Members know, I have been a long supporter of both tribal sovereignty and workers rights, as have many in this body. But the amendment we are considering now could have far-reaching implications on these issues and should not be acted upon in a hasty fashion.

Several States, such as California and New York, have previously worked out agreements with Native American tribes on this very issue. Currently, similar negotiations are underway to find a more permanent solution for all of Indian Country.

Even if the Hayworth amendment is passed today and becomes law, it is not a permanent fix. We will be back here again next year debating the same issue. We should be looking for a permanent solution, and we should allow all parties to continue to work out an agreement and not move this amendment today.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Wisconsin (Mr. OBEY) has 2½ minutes remaining, the gentleman from Arizona (Mr. HAYWORTH) has 1 minute remaining, and the gentleman from Wisconsin (Mr. OBEY) has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield myself the balance of my time.

It is very simple at the end of day. I listened with interest to the gentleman from California (Mr. GEORGE MILLER), who would not let me answer a question. It had nothing to do with my advocacy of any policy, simply the notion that negotiations take place on a government-to-government basis.

Now, much has been made of the National Labor Relations Act and the National Labor Relations Board; but many in this Chamber, friends who unfortunately line up on the other side of this issue today, often cite the document that trumps all of these organizations, the United States Constitution, article 1, section 8, that Congress shall have the power to regulate commerce with foreign nations and among the

several States and with the Indian tribes.

Sovereignty is not situational. The Constitution of the United States trumps the National Labor Relations Act. It trumps any treaty, and tribes, as sovereign governments, should have the freedom to determine if this should go forward. Support this amendment.

Mr. OBEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, a few years ago I endured efforts to recall me because I steadfastly supported the principle of tribal sovereignty, and I do not regret that. I think I took the right position. But I am opposed to this amendment because of something that happened in Wisconsin several years ago. One of the tribes in my district contracted out for the operation of a casino to a private operator. That private operator had some very strange rules. One of the rules when women were hired was very blunt: Put out or get out. It was an outrageous way to deal with female employees, but we had no way to reach into that situation and protect those women workers because the State compacts did not provide protection under such circumstances.

I do not ever want that to happen again to any woman working anywhere in my State or any other State in the Union. That is why I believe that the correct vote on this amendment is to vote against this amendment because the last time I looked, the United States Constitution guarantees equal protection under the law to every citizen; and I am not about to suggest that in cases of casinos, for instance, on or off reservation, that the people who work for those casinos are not going to be entitled to the protection which they need in order to experience decent working conditions.

I think a Congress that cannot protect women in those circumstances is a Congress that is impotent, and I do not believe Congress ought to be impotent in those situations, so I urge a "no" vote on the amendment.

Mr. OBEY. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. KILDEE

Mr. KILDEE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KILDEE:

At the end of the bill (before the short title) insert the following new section:



SEC. \_\_\_\_\_. None of the funds appropriated under this Act may be used by the Secretary of Education to administer or pay any special allowance under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087-1(b)(2)(B)) pursuant to the provisions of section 682.302(e)(2) of the regulations of the Department of Education (34 CFR 682.302(e)(2)).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Michigan (Mr. KILDEE) and the gentleman from Mississippi (Mr. WICKER) each will control 10 minutes.

The Chair recognizes the gentleman from Michigan (Mr. KILDEE).

Mr. KILDEE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is simple. At a time when students and families are struggling with skyrocketing tuition, we are squandering an opportunity to generate more student aid. This fiscal year alone, nearly \$1 billion in special student loan subsidies will be paid by the Federal Government to lenders rather than used for financial aid for students. This subsidy results from an obscure provision in the Higher Education Act and its regulations which provide lenders a 9.5 percent rate of return on certain student loans.

This rate of return is excessive when we consider that lenders are guaranteed approximately a 3.5 percent rate on other student loans. The 9.5 percent guarantee was established in the high interest rate year of 1980. Congress intended for it to be phased out of existence beginning in 1993; but through a regulatory loophole, the guarantee has continued. Both the New York Times and the L.A. Times have reported on this loophole. The Government Accountability Office will soon issue a report which calls for the Department of Education to correct its regulations on this matter.

This special subsidy has caused a loss of financial opportunity for students. Students are bearing the brunt of rising college costs and shrinking grant aid. Today we have an opportunity to correct this problem. Despite this issue being addressed in the last Presidential budget, no action has taken place. Since this subsidy has not been eliminated, it has now tripled in the past 3 years.

It has been publicly announced in our hearings in the Committee on Education and the Workforce and in the press that we will not authorize the Higher Education Act this year. This essentially prevents Congress from addressing this issue in the normal fashion. This amendment is the only recourse left to us today. The amendment ends the special subsidy for new loans which are funded with proceeds from bonds which have been refunded or transferred.

Today, Mr. Chairman, we have an opportunity to curtail the biggest use of this provision to date. I urge Members join me in supporting this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WICKER. Mr. Chairman, I yield 3 minutes to the gentleman from Ohio (Mr. BOEHNER).

Mr. BOEHNER. Mr. Chairman, I rise in support of the Kildee amendment.

In February of this year, President Bush called on Congress to end the 9.5 percent floor interest rate subsidy paid to some lenders in the student loan program. The 9.5 percent floor was supposed to be phased out beginning in 1993, but through a bureaucratic move by the Clinton administration Department of Education, the practice has continued.

We followed the President's lead earlier this year when we introduced the College Access and Opportunity Act and called for the elimination of these 9.5 percent loans, which in my view and the administration's view and the view of the gentleman from Michigan (Mr. KILDEE) are being abused by some lenders in order to get an extra subsidy on the student loans that they process.

I would welcome the gentleman from Michigan (Mr. KILDEE) to the efforts we have put forward throughout this year to eliminate the 9.5 percent floor, and urge my colleagues to support the gentleman's amendment.

Mr. KILDEE. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland (Mr. VAN HOLLEN), a cosponsor of the amendment.

Mr. VAN HOLLEN. Mr. Chairman, I thank the gentleman from Michigan (Mr. KILDEE) for his leadership on this issue. I am very pleased to hear that this amendment is going to be accepted, because I think it is a bipartisan amendment. Its goal is to save the taxpayer money, money that could be better spent both towards reducing the deficit and investing in education programs like Pell grants and other programs which will help provide greater student loans to many needy students out there.

As Members have heard, this 9.5 percent loan scheme has been in place for some time, but only recently have we seen many people taking advantage of it and really abusing it. According to GAO's preliminary findings, it will cost the taxpayer \$1 billion this year. If we do not close it now, it will cost the taxpayer even more down the road. These are dollars that could be invested in other forms of support in the area of education.

□ 1445

I do want to note that the budget submitted by the Bush administration this year, the fiscal year 2005 budget, assumed that we as a Congress would address this issue. So I very much hope that as this appropriation bill goes to the Senate, that we stick with this provision and this position, because if we do not and this is removed from the bill, it will end up costing the taxpayers billions of dollars going forward.

I am very pleased to hear that this has been accepted, but I do want to un-

derline the importance of addressing this right now, because as a result of our action to close these loopholes, those that have been taking advantage of it may be encouraged to try and take even greater advantage of it until it is actually shut down. So if we do not shut it down in the next few months, we are going to see a further run on the taxpayer and further loss of valuable resources that we could spend and invest in other very important education initiatives.

Mr. KILDEE. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. WICKER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The question is on the amendment offered by the gentleman from Michigan (Mr. KILDEE).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. KILDEE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Michigan (Mr. KILDEE) will be postponed.

AMENDMENT NO. 1 OFFERED BY MR. TANCREDI

Mr. TANCREDI. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. TANCREDI:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds appropriated or otherwise made available by this Act may be used to pay the salaries and expenses of personnel to carry out the provisions of section 1011 of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Colorado (Mr. TANCREDI) and the gentleman from Ohio (Mr. REGULA) each will control 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. TANCREDI).

Mr. TANCREDI. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very simple and straightforward. It would essentially prevent the implementation of section 1011 of the prescription drug bill passed by Congress earlier this year. That section, as the Members may recall, is a controversial provision of the law that provides \$1 billion to cover the health care costs of illegal aliens in the country.

Let me quickly add that what this amendment does not do, because oftentimes we submit an amendment of this nature and there are all kinds of claims made about what dire things would happen if it were to pass. This amendment restricts health care to no one. It has nothing to do with provision of

health care. Health care will still, of course, be provided to people because of EMTALA, because of the requirement of the Federal Government.

Right now we spend upwards of \$61 billion a year, Federal dollars, going to hospitals for Medicaid reimbursement. That, by the way, does not cover Medicare payments, but just in Medicaid alone, \$61.2 billion. The provisions of EMTALA said that if you accept Federal dollars, you must provide service to people on any basis if they need it. They cannot be refused medical attention for emergency care.

This does not change that in any way, shape or form. The services will still be provided. But recently promulgated rules designed to implement the section fall short of establishing any meaningful accountability measures for the money, and, more importantly, they do not require information-sharing with homeland security officials to ensure that illegal aliens are deported after their condition stabilizes. As a result, the same illegal aliens could conceivably receive medical care at taxpayers' expense over and over and over again.

It is also important to note that many of the States incurring the heaviest costs for treating illegal aliens have helped create their own problems. In many cases they have taken steps to make themselves magnets for illegal immigrants, whose health care costs they are now burdened with, by permitting them to obtain driver's licenses, enroll in higher education at in-state rates, obtain public services through the use of consular ID cards. All of these things, of course, attract more people to come who are, in fact, in the country illegally, and then their health care costs become a burden to the taxpayer.

The sad irony is that many of the Americans who are being asked to cough up the \$1 billion to fund health care for these illegal aliens do not have health insurance themselves. This giveaway is bad for taxpayers, sends the wrong message to illegal aliens and Americans alike, and comes at far too high a price. It was wrong when we passed it. It is wrong today.

Mr. Chairman, we have more pressing needs in this country than providing a patients' bill of rights for illegal aliens. I hope Members will support my amendment and save American taxpayers \$1 billion.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would forbid the use of CMS funds to administer the undocumented alien program funded in last year's Medicare Modernization bill. I am reluctant to get into this debate because it is the jurisdiction of the Committee on Energy and Commerce, and last year's Medicare bill included funding for this new program intended to provide relief to hospitals in jurisdictions with large numbers of undocumented aliens.

I think the goal here might be to prevent these undocumented aliens from having health care, but the truth of the matter is the hospitals are going to pay the price. They are not going to turn anybody away that comes to the door that needs medical treatment. And if they cannot get reimbursed from CMS, they are going to have to eat it. The hospitals have to do a lot of this as it is with charity patients and so on, and I do not think it is fair to use an amendment like this to put an additional burden on hospitals. While it may seem to preclude undocumented aliens from getting health care, the truth is they are going to get it, and instead of being reimbursed, the hospitals are going to have to eat it and, in effect, pass it on to the rest of their clients.

This was defeated as a proposal to overturn the program by 331-88 last May on H.R. 3722. I understand the feelings of the gentleman from Colorado, but the truth of the matter is I do not think it is a burden we want to shove off on hospitals, and they already have enough outlays for charity patients, for charity work, and let us not add one more set of problems to them.

Mr. Chairman, I reserve the balance of my time.

Mr. TANCREDO. Mr. Chairman, I yield myself such time as I may consume.

I agree with the gentleman when he says that this will not prevent anyone from obtaining services, and it is not my intent to prevent anyone from obtaining services. That is really not the purpose of this. Hospitals, yes, they will provide the services. They must under EMTALA. It is absolutely accurate to say that the burden falls somewhere, taxpayers, somewhere along the line, he is right.

To me it is just peculiar, to say the least, that we actually take part of the law and identify a program for \$1 billion for services for people who have broken the law. That is the peculiar aspect of this. If we had to add \$1 billion to the \$34.6 billion that we give hospitals in order to care for the poor, if that is the place to do it, that is the place to do it. It is this odd identifying in law a provision for services for people who have broken the law, other than incarceration services.

It is also odd, I would say, that there are really only two groups of people in this country that can obtain free medical health care, health services, at any time they want, and that is people who are incarcerated and people who are here illegally. What a strange situation.

I just believe that the \$1 billion should be reallocated. There are better uses, or at least better placement of it, than in this bill. That is my only purpose.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona (Mr. KOLBE).

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding this time, and I come to rise in opposition to the amendment offered by the gentleman from Colorado.

Once again, what we are looking at here is something that tries to deal with the symptoms of illegal immigration. It does not actually deal with the problem that we have of illegal immigration. But in this case we are really not talking about going after illegal immigrants at all. We are going after hospitals. We are going after health care providers. We are going after the people that are providing the health care, that are providing emergency services for these people, and we are saying we are going to punish those particular people.

This is an antihospital amendment. There is no other way to describe it. It is just an antihospital amendment. If this amendment passes, we are punishing the overburdened and undercompensated hospitals, which I happen to have a lot of them in my district because we have a lot of the illegal immigration in Arizona. And so the costs in Arizona are tremendous. This is targeted directly against the hospitals in places like Arizona and along the border there.

If the Federal Government mandates that hospitals treat those that are brought to their doors, and they do, then the problem is you need to reform that law, EMTALA as it is called. If you want to deal with the problem, reform that. Otherwise the Federal Government needs to be responsible for the mandate that it has created by saying that hospitals must serve anybody who shows up in their emergency room, must serve them. That is the way it probably should be, in my opinion. I do not think we want hospitals saying, we are going to turn you away, and we are going to deal with this other person. But if you want to reform it, that is where you need to reform it.

We have hospitals in my district that are going bankrupt. They cannot offer medical services because they are not being reimbursed. One of our two major hospitals in Tucson has closed their trauma one center largely because the other hospital is overburdened with trauma one care right now, and it is largely because of this problem, and this, of course, would put an even greater burden on them and hurt them even more. They are disappearing through no fault of their own. They are complying with the law. They are dealing with the care for people that need this care.

This is the wrong approach. I urge rejection of this amendment.

Mr. TANCREDO. Mr. Chairman, I yield myself the balance of my time.

I would just conclude by saying that I certainly agree with the last gentleman and his reference to the fact that this does not solve any illegal immigration problem. It is not designed to do that. That is not the purpose. It is designed to correct what I believe to

be a terrible flaw in the law. We should never, ever put in law that we are, in fact, taking taxpayer money and providing services for people who have broken the law. That is a bad precedent. If you want to add the money, put it into the already \$61 billion that we give hospitals for the purpose of treating folks who are in need. That is all I am saying. It has got nothing to do with immigration.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman THOMAS G. TANCREDI's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit the use of funds to pay the salaries and expenses of personnel to carry out the section of the Medicare Prescription Drug, Improvement and Modernization Act of 2003, that deals with federal reimbursement for emergency health services furnished to undocumented aliens.

The effect of this amendment would be to require physicians and other health care providers to become part-time border patrol agents. According to the American Medical Association (AMA), withholding necessary care on the basis of a person's immigration status would violate the Hippocratic Oath. The AMA also has expressed concern over the fact that discouraging undocumented individuals from seeking medical care for problems that might cause harm to others, such as communicable diseases, could have very negative effects on existing public health efforts.

I share the concerns of the AMA. The fear of deportation inevitably would prevent some undocumented immigrants from seeking care for communicable diseases until they are extremely ill, at which point they might have already exposed many people to their diseases.

Today's health care delivery system is very fast-paced, and, in an emergency situation, the urgency of providing life-saving care takes precedence over anything else. Requiring hospitals to collect immigration data would divert time and attention from caring for patients. Hospitals do not have the expertise or the resources to interrogate and investigate patients in the pressured environment of an emergency room.

It also would divert funds that could be used to provide health care services for some of America's estimated 44 million uninsured patients. A substantial portion of these funds would have to be used to establish and implement an expensive new immigration enforcement program for our already underfunded, overburdened community hospitals.

This legislation would weaken federal Emergency Medical Treatment and Active Labor Act (EMTALA) obligations by redefining the circumstances under which hospitals are required to treat patients who are undocumented immigrants. Such a policy would create a dangerous situation for all patients because physicians would be required to impose differing standards of care based on whether they determine a patient to be in the country legally or not. By necessity, emergency department professionals must be afforded the latitude necessary to provide treatment based solely on which treatment is medically appropriate for the patient and without regard to immigration status.

It is in the best interests of all patients, documented and undocumented alike, that medical staff be permitted to focus their attention

on caring for patients and providing necessary medical treatment rather than on assisting the federal government in enforcing the immigration laws of this country. I urge you therefore to vote against this amendment.

Mr. REGULA. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Colorado (Mr. TANCREDI).

The amendment was rejected.

AMENDMENT OFFERED BY MR. STARK

Mr. STARK. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STARK:

Page 105, after line 16, insert the following new section:

SEC. 519. The amount otherwise provided by this Act for "DEPARTMENT OF HEALTH AND HUMAN SERVICES—Office of the Secretary—General Departmental Management" is hereby reduced by \$84,500.

The CHAIRMAN pro tempore. Pursuant to the order of the House of earlier today, the gentleman from California (Mr. STARK) and the gentleman from Ohio (Mr. REGULA) each will control 10 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order on the amendment.

The Chair recognizes the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, this is probably the lowest-priced amendment to be offered to this bill, but what it does basically is takes away \$84,500 from the Secretary of HHS's management budget. The purpose of the amendment is to establish firmly the rights of Congress in regard to getting information from the administration.

Very quickly, during the course of drafting and debating the Medicare bill that dealt with prescription drugs, the head of CMS Mr. Scully threatened improperly the actuary for CMS and caused this actuary to withhold information from the House of Representatives which would have indicated that the drug bill would not cost \$400 billion, but more like \$530 or \$540 billion. That is a \$140 billion difference. It may very well have affected the way many of us might have voted on that bill. It was substantial information. This information was not classified, and it comes under a bill that started back in 1912 when then Senator LaFollette indicated that we should have this information in the normal course of our proceedings available to us. According to GAO, who has recently suggested that the point of this legislation be enacted, never in the history of that legislation since 1912 has anybody violated this law until now. And it was GAO

who said that the recourse for violating the law, for preventing a member of the administration from giving us information relative to our business, should be that the salary of the Administrator of CMS was improperly paid during the time from the point he gagged his subordinate until the end of his term when he resigned in December.

□ 1500

So quite simply said once again, it is uncontroversial that the law was broken by Mr. Scully, that the remedy is that he should not have the salary that he was paid during the period in which the information was withheld from us, and it indeed runs to the prerogative of this House to receive the information that is necessary for us to do our business in the normal course of legislating. And the Secretary can get the \$84,500 back if he wants to go after Mr. Scully for it, and it is highly symbolic, but I think it is imperative that we establish our rights to receive information, either side of the aisle, or from any administration in the future.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I continue to reserve a point of order, and I yield myself such time as I may consume.

Mr. Chairman, I am not sure I understand the objective of this amendment, reducing the Office of the Secretary by \$84,500 in general departmental management. Here we are talking about a Department with a \$60 billion, \$60 billion, budget, and to manage that Department efficiently and effectively, we gave a reasonable amount in the bill. And I think it would be a great mistake because the programs that are part of Health and Human Services are very important to people, and if we start debilitating the ability of the Office of the Secretary to manage these agencies well and these programs well, we are not hurting the head of the agency, we are hurting the people who would be benefiting from the programs.

And for this reason I think it is a big mistake, because already, in constructing a bill and because of the constraints, we had a limited amount of additional funding under the Budget Act, and it would be a serious mistake to constrain them even more. And to penalize the Department for a mistake by Tom Scully, and he is no longer there, is not right. It is penalizing the people, tens of thousands of people, that benefit tremendously from the Health and Human Services programs, and to in any way erode the ability to manage these programs on behalf of people I think is a big mistake. And I would, therefore, be strongly in opposition to this proposal.

Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from California (Mr. STARK) for yielding me this time.

I rise in support of the Stark amendment. This whole Tom Scully issue is a sorry page in a sordid chapter in congressional history. Think about this whole process of the Medicare bill passing this Congress if this new law that seniors, most seniors I know, think was foisted on them, this bill written by the drug industry and the insurance industry.

The vote to pass Medicare was taken in the middle of the night. The debate started at midnight. The vote was taken at 3 o'clock. The roll call, unprecedented in congressional history, was kept open for 2 hours and 55 minutes until Republican leadership could twist arms all over this House floor back in the cloakroom; waking up the President in the middle of the night; trying to change Republican votes; trying to literally bribe at least one Republican Member of Congress, who talked about it on radio the next day; the millions of dollars in campaign contributions that were used to pass this Medicare bill. Tens of millions of dollars went to President Bush's reelection from the drug industry and the insurance. Tens of millions of dollars went into Republican leadership campaign coffers from the drug industry and insurance industry. And then to top off this sordid chapter in congressional history, Mr. Scully, the gentleman, a good public servant, but the gentleman that was negotiating on behalf of seniors, on behalf of taxpayers, was negotiating this bill, and he was lining himself up for a job soon after the bill was signed by President Bush, a job representing and lobbying for drug companies and for insurance companies. What is wrong with this?

This amendment needs to be passed to at least undo part of this very sordid chapter in congressional history.

Mr. STARK. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Chairman, I would feel a lot better about this issue if the Republican leadership in the Congress decided to do something when they first heard that Tom Scully, who was the Administrator of the agency, Center for Medicare and Medicaid Services, threatened to fire the actuary if he gave Congress the accurate information about how much the Medicare bill would cost. We were told in the Congress that it was going to cost \$400 billion. It turned out it was \$600 billion. And the actuary knew about it, and Mr. Scully said to him if he told the Congress, he was going to fire him.

I hear no sense of outrage from the Republican leadership of the Congress, of the House. I hear no sense of outrage from Republican Members who voted for this bill because they thought it would only be \$400 billion and would have voted against it if they had known the true facts.

The Government Accountability Office has issued its findings to the investigation in this matter, and they said what Mr. Scully did was improper, and

he should not be paid. So under the amendment offered by the gentleman from California (Mr. STARK), we would take out \$84,500 from the appropriations bill in order to make the point of protest as to what happened. That is not a lot of money given the scope of this appropriations bill, but I would feel more comfortable in deferring to the chairman of the subcommittee if he and other leaders on the Republican side of the aisle had at least expressed some outrage on behalf of this institution that we were treated the way we were.

So I support the Stark amendment at least to do something about this issue.

Mr. REGULA. Mr. Chairman, I reserve the balance of my time.

Mr. STARK. Mr. Chairman, I yield myself such time as I may consume.

I have one more speaker, but I did want to repeat that, as far as this gentleman is concerned, the issue here, I know the dollars are not significant, but I rather suspect that the laws that were violated were written by the Republican Party when it was in the minority, and I do not think it is an issue that is partisan. I really believe this is an issue that does not deal with anything other than the very most basic facts which we need to carry out our duties here. And, yes, the \$84,500 is symbolic, but it is the only recourse that we have under the law. The law was clearly broken. It seems to me that we should demand that it be taken and leave it to the Secretary to collect the \$84,500 in any manner that he sees fit.

Mr. Chairman, I yield 1 minute to the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Chairman, I think this amendment is very important and should be supported.

There has to be some consequence of the Medicare Administrator giving the wrong information to Congress about such an important bill and knowing full well that he was giving that wrong information to Congress. I mean, keep in mind that Mr. Scully was told by Mr. Foster what the actual cost would be, and knowing full well that information, and knowing that if that accurate information had been given to this body, we would never have passed the bill, but he still refused to give it and actually sought to even penalize Mr. Foster, or threatened him, if the accurate information was given to us.

The Department has said that they are not going to ask Mr. Scully for the money back for his salary. Mr. Scully has said that he has no intention of returning it to the government. So there is simply no penalty for giving inaccurate, false information to this body that they know to be false. That is a terrible thing, no consequences. How can we operate as a body when the actuary's information is not given to us, and there is no consequence for that even though the GAO says it is wrong?

Mr. DINGELL. Mr. Chairman, the Stark Amendment takes direct aim at part of the

Bush Administration's pattern of cover ups, clandestine policy making, and concealment of critical information from the Congress. I urge all my colleagues to support it.

We had DICK CHENEY's secret energy task force. We've seen military records concealed. We had no-bid contracts for Halliburton. We've seen government reports doctored—like the one on minority health disparities. And we've seen more games played with numbers during this Administration than you'd get from an Enron accountant. Tax cuts—they're free! (Yet we've got the largest deficits on record.) Employment—it's up! (Yet, we still have 1.2 million fewer jobs now than when the recession started and more workers than ever looking for work.) The uninsured—we're covering them! (Yet, 5.2 million Americans have been added to the ranks of the uninsured under President Bush's watch.)

The recent HHS Inspector General and the GAO reports on the unsavory activities of Mr. Tom Scully, the Administrator of the Centers for Medicare and Medicaid Services (CMS), during the Medicare debate give us one more example of the Administration's deception of Congress and the American people.

The Administration, through former CMS Administrator Scully, covered up important cost information, particularly the fact that the bill would cost more than 500 billion dollars, that Congress should have seen prior to voting on the Medicare bill. Mr. Scully threatened the Chief Actuary with adverse consequences if he provided requested estimates to Congress, and had his underling threaten the Chief Actuary as well. All the while making sure that the White House had the real information.

Just this week, GAO issued a legal opinion stating that Mr. Scully's actions violated federal law, and is recommending that the money from the Medicare Administrator's salary which he received during these improper activities—\$84,500—be returned to the Treasury. This amendment does that.

Accountability has been lacking throughout the four years of this Bush Presidency. We need to bring accountability back to the government. And we should start right here with this Amendment offered by my colleague Representative STARK.

Mr. STARK. Mr. Chairman, I would, as a matter of prerogative of the House, encourage us all to support this modest amendment, and I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY).

The question is on the amendment offered by the gentleman from California (Mr. STARK).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. STARK. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from California (Mr. STARK) will be postponed.

AMENDMENT NO. 3 OFFERED BY MR. PAUL

Mr. PAUL. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PAUL:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_ None of the funds made available in this Act may be used to create or implement any new universal mental health screening program.

The CHAIRMAN pro tempore. Pursuant to the order of the House earlier today, the gentleman from Texas (Mr. PAUL) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I yield myself 3½ minutes.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Chairman, my amendment says that no funds in this bill will be permitted to be used to institute system of universal mental health screening. The New Freedoms Commission on Mental Health, a commission established in 2002, has recommended universal mental health screening for all our children in our public schools as well as adults who work in these schools. As a medical doctor, as a civil libertarian, and a strict constitutionist, I strongly reject this notion, this plan, as dangerous and nonproductive.

This type of screening would surely lead to a lot more treatment of hyperactive kids. We already have an epidemic in our schools today that are overtreated. Too often under these conditions, children are coerced into taking medicine. It has been known that parents who have denied medication for their children have been accused of child abuse. There is already tremendous pressure on parents to allow public school officials to put children on medication like Ritalin.

This amendment would not deny, in the routine course of events, medical treatment for those who are suffering from mental disease. What my concern is for a universal screening test of all children for mental illness.

Diagnosis in psychiatry is mostly subjective. It is very difficult to come up with objective criteria. If we wanted psychiatrists to perform the test to make it more objective, it would be impossible. We are talking about an unbelievable number of psychiatrists that are not available, so nonpsychiatrists would be doing this testing.

One of the worst downsides from a program like this would be for a child to be put on a list as having some type of mental disorder.

□ 1515

An unruly child is going to be the first one to be determined as mentally disturbed. It is happening all the time. Those are the individuals that are hyperactive even in a normal sense and end up on Ritalin.

But can you imagine a list of this sort? They claim it will be private, but

can you imagine if there is a list that has identified an individual as a possible candidate for violence? And what if he were to be hired by an important industry? What if the post office was to hire this individual and he was on this list and we did not make this information available to the hiring authorities? That means there would be tremendous pressure to make public officials use this list for reasons that I think would be very, very negative.

The whole notion of testing children to me represents a principle even more intrusive than a mandatory blood test. It would make more sense medically to have a blood test for, say, AIDS, if you thought it was the responsibility of the Federal Government to take this job upon themselves. But, no, if we tried to do this in the area of mental diseases, believe me, the criteria would be way too arbitrary. A diagnosis will be too difficult to determine with a set of objective standards.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Does any Member rise in opposition to the amendment?

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am a little baffled by this, because there is nothing in this bill to establish the universal mental health screening. I do not know what the need for the amendment is. I understand what the concern of the gentleman is if this were the case, but we do not have it. There is no requirement, there is no money, there is no action.

Mr. PAUL. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Chairman, that is correct, there is no money specified for this. But on previous legislation, the authority exists for us to be involved in mental health. The particular bill's mental health services, it is on the books. The legislative authority is there. It could be done by regulation.

I am just saying you are correct, it is not on there, so there should be no objection, is my interpretation. It is just a protection, a statement by the House that we do not like this idea because this is a recommendation from a commission set up by the administration, and I would like to cut it off before it gets very far.

Mr. REGULA. Mr. Chairman, reclaiming my time, I guess you might call this preventive medicine.

Mr. PAUL. I hope the gentleman will join me in this effort for preventive medicine.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think it is a little inflammatory. You do have a lot of

people who for, one reason or another, maybe family members, maybe in their own case, they do have problems. I think, in a way, to pass an amendment of this type is sort of putting our thumb in their eye or sort of saying, hey, we do not want any part of this.

What the commission did in their report is say this is a problem we need to be thinking about, that we need to address. But I think it is premature, and it is unfair in a way to identify a segment of the population and say under no circumstances are you going to get any help.

For this reason, I would have to oppose the amendment.

Mr. PAUL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I think the amendment was misconstrued by the previous speaker, because it would not deny medical care. What it does is it denies the authority to the administration to have universal screening of all children in public school. It does not deny care to any individual that may qualify.

Already the SAT tests have now been changed to incorporate having the students write a paragraph about personal beliefs and their world view. Can you not see the connection? If one has a strange world view or a strange personal belief, if you have a prejudice or whatever one may be deemed mentally ill.

This is a dangerous idea and a notion that has been used by totalitarian societies throughout the ages. Just think of the extreme of this if this is not nipped in the bud, as happened in the Soviet system. People were not always convicted of crimes; but they were put in psychiatric hospitals to be retrained, to be conditioned to think differently and politically correct.

When we see a monopoly school system, a universal school system, talking about standardizing what they think is sound mental health, believe me, we are treading on dangerous ground.

I would like to restate once again, this amendment does not deny treatment to any individual that is pointed out to have medical needs. This goes along with the principles of reasonable cause. They cannot go in and search our houses, or at least they are not supposed to, without a reasonable cause. We should not go into these kids' minds without reasonable cause and sort out this kind of information.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to point out that this is the President's new Freedom Commission on Mental Health, and it is titled, "Achieving the Promise. Transforming Mental Health Care in America." But nowhere in this report does it propose universal mental health screening.

So this amendment is totally unnecessary, and I think it is almost a slap in the face to people that have some difficult problems. Therefore, I would be strongly in opposition to it.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I thank the gentleman for yielding. I certainly agree with the gentleman's comments. I have great respect and affection for the gentleman from Texas. I know that he believes what he believes deeply, and I respect that. But I just would have to say that I wish we were at the stage in this country in terms of our recognition of mental illness. I wish we were at the stage in this country where we could provide every child with the opportunity to be screened, so that we can catch ahead of time developing problems and help families who otherwise have nowhere to turn.

I join with the gentleman from Ohio (Mr. REGULA) in opposition to the amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island (Mr. KENNEDY), a member of our subcommittee.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I think we have before us a choice between science and stigma. Stigma is the biggest barrier to us making sure millions of Americans gain access to what is fundamentally a physical illness. You do not need to take my word for it. You have every Nobel Laureate, the Surgeon Generals of the United States, all saying this is a physiologically, biologically based illness. So the notion that we are going to shut kids out from being screened so that we can intervene and make a difference in their lives, I do not understand.

I would add one more thing: our colleagues have learned the hard way. Three of our colleagues have lost their children in the last couple of years alone as a result of suicide. We voted on one of those bills on suicide prevention on Senator SMITH's son, who died a year ago yesterday as a result of suicide. We know of many others whose tragedies we do not want to go into.

But to think that suicide and mental illness are not scientifically based is to look back and think we are still living in the Stone Age.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. PAUL).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. PAUL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas (Mr. PAUL) will be postponed.

AMENDMENT OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BROWN of Ohio: At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available by this Act may be used for administrative costs for the collection of monthly premiums under part B of the Medicare program for months in a year at monthly premium rates that exceed the monthly premium rates for months in the previous year.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

Mr. REGULA. Mr. Chairman, I reserve a point of order against this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio reserves a point of order.

The gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes on his amendment.

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, last week, the Bush administration on Friday afternoon when no one was paying attention, right after he made a speech at the convention assuring seniors that Medicare would be strong and prosper, and right as Labor Day weekend began and no one was paying attention, the President announced a dramatic increase, a historically high increase in Medicare part B premiums paid by seniors and the disabled, a 17 percent increase, the single biggest premium hike in Medicare history.

Most seniors rely on the Social Security cost-of-living adjustments, COLAs, to offset Medicare premium increases. Though the administration has not published it yet, the Social Security COLA will be about 3 percent, making the Medicare increase almost six times what the COLA increase for Social Security will be.

Usually they are announced at the same time. This year, because of the election, presumably, the President thought he could sort of quietly do this right before Labor Day. He did not really want to announce them at the same time, presumably because the premium increase for Medicare was five to six times what the COLA increase would be.

Why are those premiums rising so dramatically? The Bush administration spokesman says it is because seniors are going to receive enhanced benefits. He did not acknowledge that the premium increase will help cover enhanced benefits for HMOs, \$12 billion worth.

So we have a \$130 increase for seniors' premiums, and we have \$12 billion more going into HMO pockets. HMO profits already are soaring; they increased 50 percent last year. Yet the Bush administration is tapping the Medicare trust fund and making seniors pay more out of pocket to finance a \$12 billion HMO slush fund. That is just the beginning. The total HMO payment changes in last year's law will cost taxpayers \$46 billion.

So even as it is emptying the Medicare trust fund, the Bush administration has the audacity to ask the American seniors to pay more. The change would require each of 40 million senior and disabled Americans to pay \$139 more next year for Medicare coverage. My amendment would stop the premium increase.

Unfortunately, my friend, the gentleman from Ohio (Mr. REGULA), is using his discretion to object to the amendment on procedural grounds. I urge my friend, the gentleman from Ohio (Mr. REGULA), to reconsider because we need to look at this bigger picture: how much money are we paying the insurance companies; how much are we telling seniors they have to reach into their pockets.

There is no justification for pouring billions into the pockets of already very profitable HMOs and asking seniors on fixed incomes to absorb a 17 percent increase just to appease a President bent on privatizing Medicare.

Asking seniors to finance the President's privatization agenda is not just unjustifiable; it is, frankly, shameful. If this amendment does not pass, seniors will see their premiums rise sharply while HMOs take billions more in so-called bonus payments.

The chairman can and should permit a vote on this amendment so we can begin to restore the trust of seniors and the fiscal integrity of Medicare.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would point out that the gentleman that just spoke is a member of the authorizing committee with jurisdiction, and, therefore, this ought to be handled there.

Mr. GREEN of Texas. Mr. Chairman, I rise in support of the amendment offered by Mr. BROWN, my good friend and the ranking member of the Energy and Commerce Health Subcommittee.

Last week the Bush administration announced a 17-percent increase in premiums for Medicare Part B benefits. This is the highest increase in Medicare's long history.

In fact, since the Bush administration came to town, Medicare premiums have increased twice as much as they did during all 8 years of the Clinton administration combined.

On every account, it is wrong for our seniors on fixed incomes to face double digit increases in their Medicare premiums.

But to make matters worse, our seniors are left footing the bill as a result of this administration's failed health care policies.

If this administration wants to increase access to health care, it should ensure that Medicare—as a safety net program—is truly affordable to America's senior citizens.

Instead, this administration is charging our seniors an extra \$5.5 billion next year, all the while diverting \$12 billion from the Medicare Trust Fund to help HMOs lure Medicare beneficiaries away from traditional Medicare.

Instead of siphoning money from the Medicare Trust Fund to the HMOs' pockets, the administration should focus on the fiscal realities facing the Medicare program.

By stopping the Medicare Part B premium increase, the Brown amendment will force them to do just that.



I urge my colleagues to do right by America's seniors and support this amendment.

## POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order against the amendment because it is a violation of section 302(f) of the Congressional Budget Act of 1974. The Committee on Appropriations filed a suballocation of budget totals for fiscal year 2005 on July 22, 2004, House Report 108-633. This amendment would provide new budget authority in excess of the suballocation made under section 302(b) and is not permitted under section 302(f) of the act.

I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Ohio (Mr. BROWN) wish to be heard on the point of order?

Mr. BROWN of Ohio. Mr. Chairman, I have one additional speaker. Is it possible that he can speak before that?

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) has made a point of order on the amendment. The Chair must at this point entertain only argument related to the point of order.

Mr. BROWN of Ohio. Mr. Chairman, I would like to speak respecting the opinion and statement of the gentleman from Ohio (Mr. REGULA) on the point of order.

Mr. Chairman, this is a question of, by and large, moving money from the Medicare trust fund, the money that Congress has decided should go to insurance companies, and, as a result, costing Medicare beneficiaries an additional payment out of their pockets.

It is basically a zero-sum game. Are we in this body going to say insurance companies are going to get the money, or are we going to say we are going to charge beneficiaries for that money? I would appeal based on that.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The Chair is authoritatively guided under section 312 of the Budget Act by an estimate of the Committee on the Budget that an amendment providing any net increase in new discretionary budget authority would cause a breach of the pertinent allocation of such authority.

The amendment offered by the gentleman from Ohio would increase the level of new discretionary budget authority in the bill.

□ 1530

As such, the amendment violates section 302(f) of the Budget Act.

The point of order is sustained, and the amendment is not in order.

## AMENDMENT OFFERED BY MR. RAMSTAD

Mr. RAMSTAD. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. RAMSTAD:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. The amounts otherwise provided by this Act are revised by reducing the amount made available for "EMPLOYMENT AND TRAINING ADMINISTRATION-TRAINING AND EMPLOYMENT SERVICES (INCLUDING RESCIS-SION)", by reducing the amount made available for "EMPLOYMENT STANDARDS ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "MINE SAFETY AND HEALTH ADMINISTRATION-SALARIES AND EXPENSES", by reducing the amount made available for "BUREAU OF LABOR STATISTICS-SALARIES AND EXPENSES", by reducing the amount made available for "DEPARTMENTAL MANAGEMENT-SALARIES AND EXPENSES", by reducing the amount made available in title I for "OFFICE OF INSPECTOR GENERAL", by reducing the amount made available for "HEALTH RESOURCES AND SERVICES ADMINISTRATION-HEALTH RESOURCES AND SERVICES", by reducing the amount made available for "CHILDREN AND FAMILIES SERVICES PROGRAMS", by reducing the amount made available for "ADMINISTRATION ON AGING-AGING SERVICES PROGRAMS", by reducing the amount made available for "OFFICE OF THE SECRETARY-GENERAL DEPARTMENTAL MANAGEMENT", and by increasing the amount made available for "SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION-SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES", by \$18,978,000, \$10,802,000, \$10,967,000, \$7,280,000, \$15,022,000, \$5,000,000, \$4,386,000, \$11,042,000, \$12,312,000, \$1,158,000, \$5,234,000, and \$100,000,000, respectively.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. RAMSTAD) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order.

The gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Chairman, I yield myself such time as I may consume.

This amendment would fully fund the President's request for the Access to Recovery grant program, which helps people who need chemical dependency treatment get the help they need from the treatment provider of their choice.

Mr. Chairman, it is time for Congress to get serious about the problem of alcohol and other drug addiction and treat it like the number 1 public health crisis it is. Nearly 1 in 10 Americans today is suffering the ravages of chemical addiction. Twenty-six million Americans are addicted to drugs and/or alcohol, and 156,000 Americans died last year from this fatal disease.

The public costs of untreated addiction are also staggering. A Brandeis University study found that addiction costs the American economy \$400 billion a year. That is billion with a B, Mr. Chairman. These criminal justice costs, health care costs, lost productivity in the workplace, and so on are a huge drain on our economy, and there are countless other human costs we cannot even begin to quantify.

At the same time, Mr. Chairman, there is real hope for Americans struggling with the disease, hope through treatment and recovery. We have all the empirical evidence in the world to show that treatment works, and expanding access to treatment, as the President wants us to do, is not only the right thing to do, but it is also the cost-effective thing to do.

The National Institute on Drug Abuse did an exhaustive study and found that every dollar spent on treatment saves \$7 in criminal justice costs alone. If savings in health care are factored in, we save \$12 for each dollar spent on treatment. A California study found that statewide emergency room admissions dropped by one-third after treatment, and crime declined by two-thirds following treatment.

So the question, Mr. Chairman, is not whether we can afford to provide treatment; the question is whether we can afford not to provide treatment.

Mr. Chairman, I stand here today as a grateful recovering alcoholic of 23 years, 1 month, and 9 days, and I am alive today only because I had access to the treatment that I needed. If fully funded, the Access to Recovery program could extend the same lifeline to 100,000 other Americans who desperately need help, who desperately need treatment.

President Bush proposed the Access to Recovery program last year, and we funded just half of his \$200 million request. As a result, 45 States applied for funding; because of the lack of funds, only 14 States and 1 tribal government received any grants. It is clear, Mr. Chairman, the demand far outstrips the supply of these critical funds. The bill before us, once again, contains only one-half the funding that the President requested.

Mr. Chairman, this is a life-or-death issue, and we cannot afford to be half-hearted about it. This amendment would fully fund the President's request by adding \$100 million to the Access to Recovery program. It is fully offset with cost-savings for administrative accounts.

Mr. Chairman, President Nixon, when he first declared the war on drugs in the 1970s, directed 60 percent of funding, of Federal funding, to treatment. Today we are down to 18 percent, 18 percent. That is why over half the treatment beds available just 10 years ago are gone. That is why 3.5 million Americans were denied treatment last year alone.

This program, the Access to Recovery program, will not only enable addicted Americans to receive treatment, it will also help increase the number of providers, and the rigorous peer review process at SAMHSA for obtaining the grants and its strong program evaluation requirements will lead us to better performance-based treatment in this country.

I urge my colleagues to support this critical program and provide hope to thousands of Americans who need



treatment for the fatal disease of alcohol and other addiction, alcohol and other drug addiction.

Mr. Chairman, I yield back the balance of my time.

POINT OF ORDER

Mr. REGULA. Mr. Chairman, I make a point of order.

The CHAIRMAN pro tempore. The gentleman will state his point of order.

Mr. REGULA. Mr. Chairman, I commend the gentleman for his concern. We have the same concern in the subcommittee. We have put lots of money in the State grants. We have put \$100 million in this program. I think it is important that we prove the efficacy of it, give the agency a chance to demonstrate that it will work.

But in the meantime, we are constrained by parliamentary rules, and under the parliamentary requirements, this does require some additional expenditure.

Therefore, Mr. Chairman, I make a point of order against the amendment, because it provides an appropriation for an unauthorized program and, therefore, violates clause 2 of Rule XXI. Clause 2 of Rule XXI states in pertinent part: "An appropriation may not be in order as an amendment for an expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment, therefore, violates clause 2 of Rule XXI, and I ask for a ruling from the Chair.

The CHAIRMAN pro tempore. Does the gentleman from Minnesota (Mr. RAMSTAD) wish to be heard on the point of order?

Mr. RAMSTAD. I do, Mr. Chairman.

Mr. Chairman, I understand this amendment is subject to a point of order because it seeks to add funding to an account administered by SAMHSA. Unfortunately, the authorization for SAMHSA did expire at the end of last year.

At the very least, Mr. Chairman, this should be a wake-up call for Congress to reauthorize SAMHSA without further delay. SAMHSA is a critical source of treatment funding for the 45 million Americans suffering from mental illness and the 26 million Americans suffering from chemical addiction.

It is unfortunate this amendment will most likely be ruled out of order because Congress has not acted to reauthorize SAMHSA. However, I look forward to working with the gentleman from Ohio (Chairman REGULA) and my other colleagues on the critical mission of expanding access to treatment for people suffering the ravages of chemical addiction.

The CHAIRMAN pro tempore. Does the gentleman from Rhode Island (Mr. KENNEDY) wish to be heard on the point of order?

Mr. KENNEDY of Rhode Island. Yes, Mr. Chairman, I would like to be heard on the point of order.

I believe that this is an important point that the gentleman from Min-

nesota (Mr. RAMSTAD) brought up. I thought it was brought up very poignantly because of the importance of this issue, and I wanted to join him in addressing this issue and to ask my colleagues to acknowledge the real champion on these issues with alcoholism and substance abuse that the gentleman from Minnesota (Mr. RAMSTAD) speaks so eloquently about and is such a leader on.

The CHAIRMAN pro tempore. The Chair is prepared to rule on the point of order.

The proponent of an item of appropriation carries the burden of persuasion on the question of whether it is supported by an authorization in law.

Having reviewed the amendment and entertained argument on the point of order, the Chair is unable to conclude that the item of appropriation in question is authorized in law.

The Chair is therefore constrained to sustain the point of order under clause 2(a) of Rule XXI.

The amendment is not in order.

AMENDMENT OFFERED BY MR. GARRETT OF NEW JERSEY

Mr. GARRETT of New Jersey. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GARRETT of New Jersey:

At the end of the bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to send or otherwise pay for the attendance of more than 50 Federal employees "from that agency" at any single conference occurring outside the United States.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from New Jersey (Mr. GARRETT) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Over the last few days, I have heard colleagues from both sides of the aisle address the financial situation that our government finds itself in with regard to the budget deficits and our level of spending. Mr. Chairman, while people may disagree on each side of the aisle on exactly how we got to this point, how we got here, I think most Members will agree that we are, in fact, spending too much money.

That is why I am proposing today a very simple amendment, a common-sense approach, I think, to help limit the amount of money that the government spends of our constituents' hard-earned tax dollars.

My amendment will simply do this: It will limit the number of Federal employees that are sent to international conferences funded under this bill to 50. Recently there has been a trend, unfortunately, by various government agen-

cies to send far in excess of this number of staff to international conferences, costing taxpayers millions upon millions of dollars. Like all of my colleagues, I understand the importance of staff, both on a personal level and on an agency level, but I think we have an obligation to our citizens back at home to do all we can to rein things in.

Let me just take a moment to cite one example. Back in 2002, a U.S. agency sent 236 people to an international AIDS conference in Barcelona, Spain. These employees were sent at a cost of \$3.6 million of taxpayers' funds. Someone pointed out after I raised this point earlier how much treatment and how many individuals could have been treated with that \$3.6 million had we not sent so many people.

Due to my limited time here right now, I am not going to go into other examples of excesses as far as employees and staff being sent to these conferences; I am just going to urge my colleagues on both sides of the aisle to support this amendment, to support the limited number to 50, a number that we have done on voice vote on a previous bill, on the foreign ops bill, a number that was also concurred with by the Secretary of HHS as well as in his own directive to his employees. So I encourage my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I claim the time in opposition, and I yield myself such time as I may consume.

I understand my colleague's concern about international travel. I think that Secretary Thompson has done a good job of trying to get guidelines established in the agency. William Steiger, who is the son of one of our former highly respected House colleagues, is a point person in the agency. They are reviewing their travel requirements.

I am not going to object to the amendment, but I think that Secretary Thompson is very much aware of this problem, and I think he will address it certainly in the way in which he administers the Department. He has done a superb job in handling a very difficult agency in HHS. There may be special occasions when it requires more than 50, particularly when many of these meetings are in Canada.

But in any event, we will address this as we go along, and we are not going to object to it today.

Mr. GARRETT of New Jersey. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey (Mr. GARRETT).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEUGEBAUER

Mr. NEUGEBAUER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NEUGEBAUER:

At the end of the bill, insert after the last section (preceding the short title) the following section:

SEC. \_\_. None of the funds made available in this Act for the National Institute of Mental Health may be used to fund grant number MH054142 & MH064527.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Texas (Mr. NEUGEBAUER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas. (Mr. NEUGEBAUER).

(Mr. NEUGEBAUER asked and was given permission to revise and extend his remarks.)

Mr. NEUGEBAUER. Mr. Chairman, I yield myself such time as I may consume.

My amendment would prohibit the National Institute of Mental Health from further funding a grant studying the decorations of dorm rooms and college students' Web pages. It also would prohibit NIMH from further funding a grant studying what makes for a meaningful day.

This would not cut out any funding for NIMH; it would simply focus research funding that is provided toward serious mental health issues and not interior decoration.

I have personally read this grant application and found that each participant was allowed to receive \$100 for decorating his dorm room and, additionally, three \$1,000 prizes were given away in a lottery to the study participants.

The second application states that "for many students, attending college may be a source of meaning itself, as a stepping stone to future goals or as a means of occupying a meaningful social role." Now, I do not think we need to spend \$1 million for college students to determine what is a meaningful day in their life.

Each of us meet with constituents on a daily basis with serious mental health issues threatening not only themselves, but their families. Right now, when Americans are facing these unbearable losses, taxpayer dollars should be focused on serious mental health issues like bipolar disorders and Alzheimer's.

Research areas under the NIMH include Alzheimer's, schizophrenia, bipolar disorder, and suicide prevention. Grants to questionable studies like dorm room wall decorations cloud many of the good things that the National Institute of Mental Health does and can do.

According to a recent study published by the Treatment Advocacy Center and Public Citizen, "Individuals with serious mental illnesses account for 58 percent of our direct costs for all mental illness. However, only 5.8 percent of the NIMH budget funds 'clinically relevant' studies."

I have no doubt that those receiving those NIH funds will conclude that their research is valid, but when I talk to Americans with mental health issues and mental illnesses, I want to be able to tell them that we are committing NIH funds to studying serious mental health issues.

□ 1545

Mr. Chairman, I yield 1 minute to the gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. Mr. Chairman, I thank the gentleman for yielding me time, and I thank the gentleman for bringing this important amendment forward. Every once in a while you just have to stand back and say, hey, you have gone too far here, and studying dorm room walls to see if the paintings or the decorations on them say something about the health of the student or whatnot is just going too far.

I can look back at college and I can tell my colleagues my dorm room walls were pretty bare. It said one thing about me, that I was broke, and that is what most students are worried about in college, just getting through. To tell them that they are paying taxes and some of their taxes are going to study what they have put on their dorm room walls, as to what that tells about them, is simply absurd.

So I think every once in a while you have to step back and say we will have none of this; you have gone too far, the taxpayers deserve better.

I thank the gentleman for bringing it forward, and I urge support for the amendment.

Mr. NEUGEBAUER. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Texas has 1½ minutes remaining.

Does the gentleman from Ohio (Mr. REGULA) seek the time in opposition?

Mr. REGULA. Mr. Chairman, I claim the time in opposition.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Chairman, I thank the gentleman for yielding me time.

I would like to commend the gentleman from Texas for working with me. I would like to commend the gentleman and thank the gentleman for the advance notice seeking to rescind funding for a competitive grant that has been awarded to a constituent of mine. I would like to, but I cannot because he did not have the common courtesy to advise me of that in advance.

Certainly, the gentleman portrays the amendment in a simplistic way, and I know that is certainly great fodder for an election-year press release, but I would say to the gentleman that the grant itself does have substance.

First about the scientist. Dr. Laura King, who is a constituent of mine at

Columbia, Missouri, I would like to put her curriculum vitae into the RECORD, Mr. Chairman, at this point.

LAURA A. KING, PH.D.

Office Address: Department of Psychological Sciences,  
University of Missouri  
McAlester Hall  
Columbia, MO 65211  
(573) 882-6389  
Kingla@missouri.edu

Date of Birth: January 4, 1964, Dover, Ohio  
Academic Record & Honors

Ph.D.—1991 University of California, Davis, Psychology, with distinction

M.A.—1990 University of California, Davis, Psychology

M.A.—1989 Michigan State University, Psychology, Phi Kappa Phi

A.B.—1986 Kenyon College, English Literature with High Honors & Distinction; Psychology with Distinction; summa cum laude, ranked 2nd in class; Phi Beta Kappa; Semi-finalist for the Mellon Fellowship in the Humanities, 1986; Awards for Outstanding Junior English Major (1985) and Outstanding Senior Psychology Major (1986)

Research Grants Awarded

NIMH/FIRST Award MH54142 \$475,728.00, 1995-2000 "Goals, Identity, and Meaning in Life"

NIMH 2R01MH054142-06A2 (same grant, different name) "Goals, Memory, and Self-Regulation", 2002-2005; \$450,000

Templeton Prize in Positive Psychology, \$50,000 (including \$35,000 unrestricted research grant)

Awards

Chancellor's Award for Outstanding Research and Creative Activity in the area of Social and Behavioral Sciences, 2004, University of Missouri

Named a H.O.P.E. Professor for excellence in teaching, SMU, 2000

Maguire Teaching Fellow (for Teaching Ethics), SMU, 2000

The "M" Award presented by SMU for "sustained excellence," 1999

Mortar Board Senior Honor Society Faculty Appreciation Award, 1998

Rotunda Outstanding Faculty Teaching Award, SMU, 1996

Faculty Member of the Month Award, SMU Student Association, April, 1995

Professional Experience

2003-present—Professor, University of Missouri, Columbia

2001-2003—Associate Professor, University of Missouri, Columbia

1997-2001—Associate Professor, Southern Methodist University

1991-1997—Associate Professor, Southern Methodist University

1988-1991—Teaching Assistant and Instructor, University of California, Davis

1988—Graduate Assistant, Murray Lectures Committee, M.S.U.

1986-1988—Teaching Assistant, Michigan State University

1984-1986—Writing Clinic Tutor, English Department, Kenyon College

Professional Affiliations

Society for Personality (Elected for membership, 2004); Association for Research in Personality—elected Member At Large, 2002; American Psychological Association; APA Division 8; American Psychological Society; Midwestern Psychological Association; Society of Experimental Social Psychology; International Society for Self and Identity

Editorial Activities

Associate Editor, Journal of Personality and Social Psychology 1999-2003

Associate Editor, Personality and Social Psychology Bulletin 1998-1999

Guest Co-editor, with Kennon Sheldon American Psychologist: Special Section on Positive Psychology, 2001; Guest Editor, Journal of Personality: Special Section: Personality Development and Personal Growth, 2002; Editorial Board, Journal of Personality, 1996-2003; Journal of Personality and Social Psychology, 1997-1999; Ad hoc Reviewer, Psychological Bulletin, Psychological Review, Personality and Social Psychology Bulletin Journal of Abnormal Psychology, Social Cognition, Journal of Research in Personality, Basic and Applied Social Psychology, Journal of Social and Personal Relationships, Psychological Science

#### Grant Review Panels

National Institutes of Health Panel RPHG-4, 1999-2003 SPIP, 2003-present; Special emphasis panels, 3/2000, 7/2000

#### PUBLICATIONS

##### Articles

Scollon, C.N., & King, L.A. (2004). Is the good life the easy life? *Social Indicators Research* 68, 127-162.

Twenge, J.M., & King, L.A. (in press). A good life is a personal life: Relationship fulfillment and work fulfillment in judgments of life quality. *Journal of Research in Personality*.

King, L.A., & Raspin, C. (2004). Lost and found possible selves, well-being and ego development in divorced women. *Journal of Personality*, 72, 603-631.

Burton, C.M., & King, L.A. (2004). The health benefits of writing about peak experiences. *Journal of Research in Personality*, 38, 150-163.

King, L.A., & Smith, S.N. (2004). Happy, mature, and gay: Intimacy, power, and difficult times in coming out stories. *Journal of Research in Personality*, in press.

King, L.A., & Smith, N.G. (2004). Gay and straight possible selves: Goals, identity, subjective well-being, and personality development. *Journal of Personality*, 72, 967-994.

King, L.A. (2003). The Mysterious and Audacious World of Melanie Klein. *Contemporary Psychology*, 48.

King, L.A. (2003). Money really doesn't buy happiness. *Analyses of Social Issues and Public Policy*.

King, L.A. (2003). Some truths behind the trombones? *Psychological Inquiry*, 128-131. Invited commentary on Lazarus.

Singer, J.A., King, L.A., Green, M.C., & Barr, S.C. (2002). Personal Identity and Civic Responsibility: "Rising to the Occasion" Narratives and Generativity in Community Action Student Interns. *Journal of Social Issues* 58, 535-556.

King, L.A. (2002). Personal growth and personality development: A foreword to the special section. *Journal of Personality*, 70, 1-4

King, L.A. (2001). The health benefits of writing about life goals. *Personality and Social Psychology Bulletin*, 27, 798-807.

Sheldon, K., & King, L.A. (2001). Why positive psychology is necessary. (foreword to the special section). *American Psychologist*, 56, 216-217.

King, L.A. (2001). The hard road to the good life: The happy, mature person. *The Journal of Humanistic Psychology*, Special Issue on Positive Psychology, 41, 51-72.

King, L.A., & Patterson, C. (2000). Reconstructing life goals after the birth of a child with Down Syndrome: Finding happiness and growing. *International Journal of Rehabilitation and Health*, 5, 17-30.

King, L.A. (2000). Why happiness is good for you: A commentary on Fredrickson. *Prevention and Treatment*, 3, Article 4. Available on the World Wide Web: <http://journals.apa.org/prevention/volume3/pre0030004c.html>.

King, L.A., Scollon, C.K., Ramsey, C.M., & Williams, T. (2000). Stories of life transition:

Happy endings, subjective well-being, and ego development in parents of children with Down Syndrome. *Journal of Research in Personality*, 34, 509-536.

King, L.A., & Miner, K.N. (2000). Writing about the perceived benefits of traumatic life events: Implications for physical health. *Personality and Social Psychology Bulletin*, 26, 220-230.

Pennebaker, J.W., & King, L.A. (1999). Linguistic Styles: Language use as an individual difference. *Journal of Personality and Social Psychology*, 77, 1296-1312.

King, L.A. (1998). Ambivalence over emotional expression and reading emotions in situations and faces. *Journal of Personality and Social Psychology*, 74, 753-762.

King, L.A., & Napa, C. (1998). What makes a life good? *Journal of Personality and Social Psychology*, 75, 156-165.

King, L.A., Richards, J., & Stemmerich, E.D. (1998). Daily goals, life goals, and worst fears: Means, ends, and subjective well-being. *Journal of Personality*, 66, 713-744.

King, L.A., & Pennebaker, J.W. (1998). What's so great about feeling good? *Psychological Inquiry*, 9, 53-56. (Invited commentary on Ryff & Singer).

King, L.A., & Broyles, S. (1997). Wishes, gender, personality, and well-being. *Journal of Personality*, 65, 50-75.

King, L.A., & Williams, T. (1997). Goal orientation and performance in the martial arts. *Journal of Sport Behavior*, 20, 397-411.

King, L.A., McKee-Walker, L., & Broyles, S. (1996). Creativity and The Five Factor Model. *Journal of Research in Personality*, 30, 189-203.

King, L.A. (1996). Who is regulating what and why? The motivational context of self-regulation. *Psychological Inquiry*, 7, 57-61. (Invited commentary on Baumeister & Heatherton).

King, L.A. (1995). Wishes, motives, goals, and personal memories: Relations and correlates of measures of human motivation. *Journal of Personality*, 63, 985-1007.

King, L.A. (1993). Emotional expression, conflict over expression, and marital satisfaction. *Journal of Social and Personal Relationships*, 10, 601-607.

King, L.A., Emmons, R.A., & Woodley, S. (1992). The structure of inhibition. *Journal of Research in Personality*, 26, 85-102.

King, L.A., & Emmons, R.A. (1991). Psychological, physical and interpersonal correlates of emotional expressiveness, conflict and control. *European Journal of Personality*, 5, 131-150.

King, L.A., & Emmons, R.A. (1990). Conflict over emotional expression: Psychological and physical correlates. *Journal of Personality and Social Psychology*, 58, 864-877.

Emmons, R.A., & King, L.A. (1989). Personal striving differentiation and affective reactivity. *Journal of Personality and Social Psychology*, 56, 478-484.

Emmons, R.A., & King, L.A. (1988). Conflict among personal strivings: Immediate and long-term implications for psychological and physical well-being. *Journal of Personality and Social Psychology*, 48, 1040-1048.

#### Chapters

King, L.A., Eells, J.E., & Burton, C.M. (2004). The good life, broadly defined. In A. Linley, & S. Joseph, (Eds.), *Positive Psychology In Practice*. (pp. 35-52). New Jersey: John Wiley and Sons.

King, L.A. (2003). Measures and meanings: The use of qualitative data in social and personality psychology. In C. Sansone, C. Morf, & A. Panter, *Handbook of Methods in Social Psychology*, (pp. 173-194). NY: Sage.

King, L.A., & Burton, C.M. (2003). The Hazards of Goal Pursuit. In E. Chang & L. Sanna (Eds.), *Virtue, Vice and Personality: The Complexity of Behavior*. (pp. 53-70). Washington, D.C.: APA.

King, L.A. (2002). *Gain Without Pain: Expressive Writing and Self Regulation*. In S.J. Lepore & J. Smythe (Eds.), *The Writing Cure*, Washington, D.C.: American Psychological Association.

King, L.A. (1998). Personal goals and personal agency: Linking everyday goals to future images of the self. In M. Kofta, G. Weary, and G. Sedek (Eds.), *Personal Control in Action: Cognitive and Motivational Mechanisms* (pp. 109-128). New York City, NY: Plenum.

King, L.A., & Emmons, R.A. (2000). The assessment of motivation. In A.E. Kazdin (Ed.), *Encyclopedia of Psychology*, Vol. 5. (pp. 320-324). New York: American Psychological Association and Oxford University Press.

King, L.A., & Napa, C. (1999). Ambivalence. In D. Levinson, J. Ponzetti, & P. F. Jorgensen (Eds.), *The Encyclopedia of Human Emotions*, New York, NY: MacMillan Reference.

King, L.A., & Pennebaker, J.W. (1997). Thinking about goals, glue, and the meaning of life. In R.S. Wyer, Jr. (Ed.), *Advances in Social Cognition* (pp. 97-105). Hillsdale, NJ: Lawrence Erlbaum Associates.

Emmons, R.A., King, L.A., & Sheldon, K. (1992). Goal Conflict and the Self-Regulation of Action. In D. M. Wegner and J. W. Pennebaker (Eds.), *Handbook of Mental Control* (pp. 528-551). Englewood Cliffs, NJ: Prentice Hall.

Emmons, R.A., & King, L.A. (1992). Thematic analysis, experience sampling, and personal goals. In C.P. Smith (Ed.), *Thematic content analysis for motivation and personality research* (pp. 73-86). New York: Cambridge University Press.

Emmons, R.A., & King, L.A. (1989). On the personalization of motivation. In T.K. Srull & R.S. Wyer, Jr. (Eds.), *Advances in social cognition* (V. 2., pp. 111-122). Hillsdale, NJ: Erlbaum.

#### Manuscripts Under Review

King, L.A. Happy endings.

King, L.A., Hicks, J.A., Baker, A.K., & Krull, J. Positive affect and the experience of meaning

King, L.A. & Eells, J.E. Older but wiser, and happier and nicer: Folk concepts of maturity.

Lyubomirsky, S., King, L.A., & Diener, E. The benefits of positive emotion.

King, L.A., Baker, A.K., & Burton, C.M. The relocation of joy: Rediscovering happiness after a life transition.

#### Manuscripts In Preparation

King, L.A., Hicks, J., & Burton, C. Self disclosure vs. self construction: Reconsidering the healing power of writing

King, L.A., & Williams, T. Enacting a life dream: Implications for daily experience, and psychological and physical well-being.

King, L.A., & Kennedy, T.D. What they did for love: Generativity, subjective well-being and the career narratives of professional dancers.

King, L.A., & Marquis, J. Making a contribution: Changing life goals, generativity, and subjective well-being in infertile individuals.

King, L.A. The consequences and correlates of the pursuit of happiness.

Williams, T., King, L.A., & Eells, J. Are important goals difficult? Person X Appraisal Interactions in Personal Goals.

Drigotas, S.M., & King, L.A. Intuition, emotional intelligence, and social functioning.

#### PRESENTATIONS

##### Invited Colloquia and Talks

King, L.A. (2004, May). Who I am and who I was: Stories of the discovery and construction of meaning in life transitions. Presented

in Symposium entitled "Second Changes in Life: Transformative Stories of Self and Society. Dan McAdams, Chair. Foley Center for the Study of Lives, Northwestern University.

King, L.A. (2004, April). Happiness and the Meaningful Life. Keynote Speaker Address. Michigan Undergraduate Research Conference. Kalamazoo College.

King, L.A. (2004, April). Stories of Life Transition: Implications for Happiness and Personality Development. Kenyon College, Gambier, OH.

King, L.A. (2004, April). Writing for Our Lives: Implications for psychological and physical health. Kenyon College, Gambier, OH.

King, L.A. (2003, May). A Meaningful Life: The positive psychology approach to the Life Story. Psi Chi Distinguished Speaker Presentation. Midwestern Psychological Association Convention. Chicago, IL.

King, L.A. (2002, October). In favor of happy endings. Presented at the International Positive Psychology Summit, Washington, D.C.

King, L.A. (August, 2002). All that ends well really is well. Invited address, presented at a Presidential Symposium. American Psychological Association, Chicago, IL. Martin Seligman, Chair.

King, L.A. (2002, February). The relative weight of work and family in judgments of life quality. University of Maryland, College Park, MD.

King, L.A. (2001, December). The Articulated Self: Writing, revising and reinventing the life story. University of Pennsylvania, Philadelphia, PA.

Twenge, J., & King, L.A. (2001, October). A good life is a good personal life. University of Illinois, Urbana-Champaign.

King, L.A. (2001, February). Goals, stories, and the meaning of life. University of Missouri, Columbia, MO.

King, L.A. (2001, February). Healthy Pleasures. Two talks, plus discussion presented as part of SMU's Godbey Lecture Series, Looking on the Bright Side of Life, with Mike McCullough.

King, L.A. (2000, April). Trivial Pursuits and Magnificent Obsessions: The Role of Life Goals in Happiness, Health, and Maturity. University of North Carolina, Chapel Hill, NC.

King, L.A. (2000, Spring). The Psychology of the Good Life. Godbey Lecture Series, Southern Methodist University. A series of four lectures, plus discussion, presented in Dallas, TX.

King, L.A. (2000, February). Are only bad things good for us? University of Texas at Austin.

King, L.A. (2000, February). Lost and found possible selves: The role of what might have been in subjective well-being and personality development. Presented at the First Annual Personality Preconference, The Society for Personality and Social Psychology Conference. Nashville, TN.

King, L.A. (1999, October) Reconstructing the future: Personal growth, subjective well-being, and physical health in response to life changing events. Iowa Psychological Association Convention, Pella, IA.

King, L.A. (1999, November). Lost and Found Possible Selves: Implications for Well-being and Maturity. Feminist Reading Group, Southern Methodist University. Dallas, TX.

King, L.A. (1999, April). What the stories we tell say about us: Subjective well-being and personal growth. University of Texas at Dallas.

King, L.A. (1998, February). A psychology of Goya's Los Caprichos. Meadows Museum of Art. Southern Methodist University, Dallas, TX.

King, L.A., & Napa, C. (1997, April). What makes life worth living? Presented at the

Midwestern Psychological Association Convention, Chicago, IL.

King, L.A. (1996, October). Emotional disclosure: Basic mechanisms and re-writing the life story. Universidad Autonoma de Mexico (UNAM), Mexico City.

King, L.A. (1996, March). Personal goals and personal development: Becoming the people we want to be. Southern Methodist University, Dallas, TX.

King, L.A. (1996, February). Daily goals and best possible selves: Implications for Subjective well-being. University of Michigan, Ann Arbor, MI.

King, L.A. (1996, April). Personal strivings, possible selves and the meaning of life. Invited paper presented at the Southwestern Psychological Association Convention, San Antonio, TX.

King, L.A. (1995, December). Goals, wishes, and ultimate life dreams: Explorations in personality and motivation. The University of Houston, Houston, TX.

King, L.A. (1994, September). Goal conflict, ambivalence and psychological well-being. Department of Psychiatry, Universitat Ulm and the Psychiatric Hospital at Weissenau, Germany.

King, L.A. (1994, September). Linking current goals to future images of the self: Implications for well-being and goal progress. Presented at an invited conference entitled "Issues in Personal Agency." The University of Warsaw, Poland. M. Kofta, G. Weary, and G. Sedek, Organizers.

King, L.A. (1994, December). Personal strivings and the imagined future self: Implications for subjective well-being. The University of Texas-El Paso, El Paso, TX.

King, L.A. (1993, November). Ambivalence over emotional expression and the interpretation of emotional stimuli, Texas A&M University, Bryan-College Station, TX.

Symposia Organized

King, L.A. Chair (2000, October). Happiness, Optimism, Hope and Maturity: A social psychology of human strengths. Society of Experimental Social Psychology. Contributors: Ed Diener & Carol Nickerson, Sonja Lyubomirsky, C. R. Snyder, and Laura King. Selected Conference Papers

King, L.A., Baker, A. K., Velasquez, L., & Burton, C. M. (2004). Changes, happiness, and maturity, APA.

King, L.A. & Baker, A. K. (2003). The Relocation of Joy: American Psychological Association Convention.

King, L.A. (2002, April). Writing and revising your way to health and happiness. Presented at the SPAM Meeting, Columbia, MO.

King, L.A. (2002, February). The self looks upon itself transformed: Narrative explorations in self change. Society for Personality and Social Psychology, in a symposium entitled "Self Perception." Savannah, GA.

King, L.A. (1999, January). If it's positive, it must be an illusion. Presented at the First Annual Invited Conference of Positive Psychology, Akumal, Mexico.

King, L.A. (1998, June). Stories of life transitions: Happy endings and subjective well-being. Presented at the Nags Head Conference on Personality and Social Behavior.

King, L.A. (1997, August). Doesn't everybody just want to be happy? Presented in a symposium entitled, "Looking on the Bright Side" C. Langston, Chair. 105th Annual Convention of the American Psychological Association. Chicago.

King, L.A. (1997, July). Finding meaning in traumatic events: Implications for physical well-being. Presented in a symposium entitled "Trauma: Social, Clinical, and Personality Perspectives" Luc Vandenberg, Chair. 4th annual European Congress of Psychology, Dublin, Ireland.

King, L.A. (1995, June). Linking current goals to future images of the self: The case of

Pre-med students. Presented at the Nags Head Conference on Personality and Social Behavior, Highland Beach, FL.

King, L.A. (1994, August). Implicit and Self-Attributed Motives: Relations to Private Wishes, Worst Fears, and Awareness. Paper presented in a symposium entitled, "Implicit and Explicit Motivation." W. Fleeson, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, August). Personal strivings and ultimate life goals: Linking the present with the future. Presented in a symposium entitled, "Goals Units in Personality: Development and Change of Personal Goals." C. Langston, Chair. 102nd Annual Convention of the American Psychological Association. Los Angeles, CA.

King, L.A. (1994, June). Personal goals and personal development: Development as a deliberate process. Presented at the Nags Head Conference on Personality and Social Behavior, Highland Beach, FL.

King, L.A. & Whitmore, J. (1993, April). Ambivalence over Emotional Expression and Interpretation of Emotional Stimuli. Paper presented at the 65th Annual Convention of the Midwestern Psychological Association. Chicago, IL.

King, L.A. (1992, August). Intrapsychic Conflict and Self-destructive Behavior: A Vicious Circle. Presented at Symposium entitled "Self-Destructive Behavior: Clinical, Social and Personality Perspectives" R. A. Emmons, Chair. American Psychological Association Convention, Washington, D.C.

King, L.A. (1992, May). Autonomic Correlates of Writing about Emotion. Presented at the Nags Head Conference on Affect and Cognition, Highland Beach, FL.

King, L.A. (1992, May). Goals and Motives to Achieve: Motivational Contributions to Performance. Paper presented at the Midwestern Psychological Association. Chicago, IL.

Selected Recent Poster presentations

King, L.A., Scollon, C. K., & Eells, J. (2001, February). Counting our blessings: Gratitude, mood and well-being. Presented at the Society for Personality and Social Psychology. San Antonio, TX.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Reclaiming agency: Motivational themes in the autobiographical memories of divorced women. Presented at the American Psychological Association Convention, Washington, D.C.

King, L.A., Patterson, C., Smith, S.N., & Ruff, K. (2000, August). Mature, happy and gay: Exploring healthy adulthood via coming out stories. Presented at the American Psychological Association Convention, Washington, D.C.

Patterson, C., & King, L.A. (1999, August). The lost and found possible selves of parents of children with Down Syndrome: Implications for psychological well-being. Presented at the American Psychological Association Convention, Washington, D.C.

Meier, J. A., & King, L.A. (1999, May). Emotional writing in infertile women: Psychological distress and conception. Paper presented at the Midwestern Psychological Association Convention, Chicago, IL.

Napa, C. K., & King, L.A. (1999, May). Is the good life the easy life? Presented at the Midwestern Psychological Association Convention, Chicago, IL.

Scollon, T. B., & King, L.A. (1998, August). Psychological responses to life goal change. Presented at the 106th Annual APA Convention. San Francisco, CA.

Napa, C. K., & King, L.A. (1998, May). Admirable Lives. Midwestern Psychological Association Convention. Chicago, IL.

Fisk, L., & King, L.A. (1998, May). Best and lost possible selves: Psychological well-being

in injured athletes. *Midwestern Psychological Association Convention*. Chicago, IL. Miner, K., & King, L.A. (1996, August). Writing about traumatic events and recovery: Implications for psychological and physical well-being. Presented at the 104th Annual Convention of the American Psychological Association. Toronto, Canada.

King, L.A. (1995, August). Ambivalence over emotional expression in survivors of sexual trauma. Presented at the 103rd Annual Convention of the American Psychological Association. Los Angeles, CA.

Counseling Experience & Community Service  
2002—PRISM Board Member (Columbia, MO Gay-Straight Teen Alliance)

1993-1995—Literacy Volunteers of America (LVA), literacy tutor in Dallas County

1993-present—Certified to train literacy tutors

1993—LVA Dallas Curricular Review Board Member

1989 to 1991—Certified HIV test counselor Davis, CA, Davis Community Clinic

Teaching Interests

Undergraduate courses taught: Personality Psychology; Introductory Psychology; Social Psychology; Personality and Social Development; The Person in Psychology and Literature (in the SMU in Oxford program); The Psychology of Sexual Behavior; Research Design; Graduate courses taught: The Psychology of Character (awarded the Maguire Teaching Fellowship for courses in Ethics); Research Design; Quantitative methods II: Multivariate Statistics; Contemporary Approaches to Social Psychology; Additional interests: Health Psychology, The Psychology of Emotion; Contemporary Issues in Personality; The Storied Self; Graduate Seminar in Personality; Undergraduate Statistics for Psychology; Honors Introduction to Psychology.

In addition, of course, to the many awards, she was most recently awarded the University of Missouri's Chancellor's Award for outstanding research and creativity activity in the area of social and behavioral sciences, not to mention the fact that the scientific field has recognized her because of this important work with the American Psychological Association, Templeton Positive Psychology Prize.

In addition, as the curriculum vitae will indicate, Dr. King has had 30 separate presentations. She is preparing seven manuscripts in preparation, five manuscripts under review, 11 chapters and manuscripts already published, and 34 published articles; but particularly as it relates to the substance of the study, this study has relevance to the prevention of mental disorders, just as the gentleman says that he professes that he supports.

Giving patients tools to alleviate depression could minimize the development of other chronic health conditions that flow from depression. Specifically, I would say that studies have shown prevalence of depression and severe psychological problems among college students is growing. Sixty-one percent have reported feeling hopeless; 45 percent felt so depressed they could barely function; 9 percent felt suicidal.

Perhaps that is not of relevance or significance to my colleague, but I certainly would say to him that the average age of diagnosis for bipolar disorder is 21, and 27 years for unipolar de-

pression, and 5 percent of college students drop out of college due to psychiatric disorders.

So, again, I recognize that the gentleman wants to talk about being fiscally responsible, and certainly Congress has a prerogative to exercise congressional oversight, but I would just say to the gentleman, as it relates specifically to the funding and the study specifically, that that is a legitimately peer-reviewed award by the National Institutes of Health, a grant was competitively sought, that was, in fact, awarded to a very distinguished scientist in this particular field, and I would urge a "no" vote on the gentleman's amendment.

Mr. REGULA. Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. SMITH).

Mr. SMITH of Texas. Mr. Chairman, first of all, I would like to thank the gentleman from Ohio (Chairman REGULA) for yielding me time.

Mr. Chairman, I would also like to say very rarely, if ever, have I ever disagreed with my friend from Texas (Mr. NEUGEBAUER) before, but I do oppose this amendment today.

The intent of this amendment is to ensure that the National Institutes of Health is prudent about which grants are funded through their peer-review process. While I agree with this intent, I do not think the amendment accomplishes that goal.

For instance, the University of Texas grant currently under discussion has already been funded and completed in previous fiscal years. Furthermore, any discussions about follow-up funding do not pertain to the Labor-HHS appropriations bill currently under consideration.

This project has received funding for a second study, but it was awarded by the National Science Foundation in the VA-HUD appropriations bill, which has not yet been brought to the House floor for consideration.

Mr. Chairman, I encourage my colleagues to vote against this amendment and instead focus our efforts on reforming the National Institutes of Health grant selection process.

Mr. NEUGEBAUER. Mr. Chairman, can I inquire how much time I have left.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 1½ minutes remaining. The gentleman from Ohio (Mr. REGULA) has 1 minute remaining, and the gentleman from Ohio has the right to close.

Mr. NEUGEBAUER. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. PENCE).

(Mr. PENCE asked and was given permission to revise and extend his remarks.)

Mr. PENCE. Mr. Chairman, I rise in strong support of the Neugebauer amendment as a commonsense statement about what I think the American people would have us do in this majority, and that is, after allowing our dis-

tinguished appropriators to do their level best in producing legislation that the gentleman from Ohio (Chairman REGULA) has produced is to come to this floor and in the absence of a Presidential line item veto to try and do that ourselves.

The amendment in particular of the gentleman from Texas (Mr. NEUGEBAUER) in focusing, as it does, on funding that would in one case explore the value and merit of dormitory decorations is precisely that which, I believe if the President had a line item veto, would be struck from legislation again and again.

The gentleman from Texas (Mr. NEUGEBAUER) is new to this institution, but he is demonstrating a courage and a conviction and, more to the point, a common sense that I think is a great value to this institution. I rise with great respect to the members of the committee who have produced this important and meritorious legislation to strongly support the Neugebauer amendment.

Bring common sense back to the spending process. Pass the Neugebauer amendment today.

The CHAIRMAN pro tempore. The gentleman from Texas (Mr. NEUGEBAUER) has 30 seconds remaining.

Mr. NEUGEBAUER. Mr. Chairman, I yield myself the remaining time.

Well, first of all, I want to thank the distinguished chairman for his hard work in bringing this bill forward. It is a good bill.

I believe that we do have to bring some common sense to this process, and we have to be good stewards of the American taxpayers' money, and there are some serious mental health issues that need to be addressed in this country. Our charge as Members of this Congress is to prioritize how we spend that money and make sure that we are putting it into areas where there are serious mental health issues at risk.

Certainly, I think that this amendment is very positive and would encourage Members to vote in support of this amendment.

Mr. REGULA. Mr. Chairman, I yield myself the remaining time.

I am not going to oppose this in a vote because the grants are over. They have been completed. The amendment does not have any impact, in essence; but I think the gentleman is trying to make a point that they ought to be cautious about what type of grants they fund.

I would point out that NIH funds almost 40,000 grants annually; and, obviously, when you look at 40,000, you can find a couple that you might have some question about the efficacy of those particular grants, but on the other hand, I would not want to get our committee or this body in the position of trying to monitor or to be in the decision-making process on what grants are funded.

We have very capable people at NIH. It is peer-reviewed by physicians, by people who are very knowledgeable on

the subject; and the objective of many of these grants is ultimately in good faith to, in some way, improve the health conditions. But given the fact that they are over with, I am not going to object to the amendment.

The CHAIRMAN pro tempore. All time for debate has expired.

The question is on the amendment offered by the gentleman from Texas (Mr. NEUGEBAUER).

The amendment was agreed to.

SEQUENTIAL VOTES POSTPONED IN THE COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: amendment by Mr. OBEY of Wisconsin; amendment No. 6 by Mr. HAYWORTH of Arizona; amendment by Mr. KILDEE of Michigan; amendment by Mr. STARK of California; amendment No. 3 by Mr. PAUL of Texas.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. OBEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Wisconsin (Mr. OBEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 223, noes 193, not voting 18, as follows:

[Roll No. 434]

AYES—223

Abercrombie	Costello	Gonzalez
Ackerman	Cramer	Gordon
Allen	Crowley	Green (TX)
Andrews	Cummings	Grijalva
Baca	Davis (AL)	Gutierrez
Baird	Davis (CA)	Harman
Baldwin	Davis (FL)	Hastings (FL)
Becerra	Davis (IL)	Herseth
Bell	Davis (TN)	Hill
Berkley	DeFazio	Hinchey
Berman	DeGette	Hinojosa
Berry	Delahunt	Hoefel
Bishop (GA)	DeLauro	Holden
Bishop (NY)	Deutsch	Holt
Blumenauer	Dicks	Honda
Boehlert	Dingell	Hooley (OR)
Boswell	Doggett	Hoyer
Boucher	Dooley (CA)	Inslie
Boyd	Doyle	Israel
Brady (PA)	Edwards	Jackson (IL)
Brown (OH)	Emanuel	Jackson-Lee
Brown, Corrine	Emerson	(TX)
Butterfield	Engel	Jefferson
Capito	English	John
Capps	Eshoo	Johnson (IL)
Capuano	Etheridge	Johnson, E. B.
Cardin	Evans	Jones (NC)
Cardoza	Farr	Jones (OH)
Carson (IN)	Fattah	Kaptur
Carson (OK)	Ferguson	Kelly
Case	Filner	Kennedy (RI)
Chandler	Ford	Kildee
Clay	Frank (MA)	Kilpatrick
Conyers	Frost	Kind
Cooper	Gephardt	King (NY)

Klecza	Miller, George	Scott (GA)
Kucinich	Mollohan	Scott (VA)
LaHood	Moore	Serrano
Lampson	Moran (VA)	Sherman
Langevin	Murphy	Simmmons
Lantos	Murtha	Skelton
Larsen (WA)	Nadler	Slaughter
Larson (CT)	Napolitano	Smith (NJ)
LaTourette	Neal (MA)	Smith (WA)
Leach	Nussle	Snyder
Lee	Oberstar	Solis
Levin	Obey	Spratt
Lewis (GA)	Olver	Stark
Lipinski	Ortiz	Stenholm
LoBiondo	Owens	Strickland
Lofgren	Pallone	Stupak
Lowe	Pascarell	Sweeney
Lucas (KY)	Pastor	Tanner
Lynch	Payne	Tauscher
Maloney	Pelosi	Taylor (MS)
Markey	Peterson (MN)	Thompson (CA)
Marshall	Pomeroy	Thompson (MS)
Matheson	Price (NC)	Tierney
Matsui	Rahall	Towns
McCarthy (MO)	Rangel	Turner (TX)
McCarthy (NY)	Reyes	Udall (CO)
McCollum	Rodriguez	Udall (NM)
McCotter	Ross	Upton
McDermott	Rothman	Van Hollen
McGovern	Roybal-Allard	Velázquez
McHugh	Ruppersberger	Visclosky
McIntyre	Rush	Watson
McNulty	Sabo	Watt
Meehan	Sánchez, Linda	Waxman
Meek (FL)	T.	Weiner
Meeks (NY)	Sanchez, Loretta	Wexler
Menendez	Sanders	Woolsey
Michaud	Sandlin	Wu
Millender-McDonald	Saxton	Wynn
Miller (NC)	Schakowsky	
	Schiff	

NOES—193

Aderholt	Dunn	Linder
Akin	Ehlers	Manzullo
Alexander	Everett	McCrery
Bachus	Feeney	McInnis
Baker	Flake	McKeon
Barrett (SC)	Foley	Mica
Bartlett (MD)	Forbes	Miller (FL)
Barton (TX)	Fossella	Miller (MI)
Bass	Franks (AZ)	Miller, Gary
Beauprez	Frelinghuysen	Moran (KS)
Biggert	Gallegly	Musgrave
Bilirakis	Garrett (NJ)	Myrick
Bishop (UT)	Gerlach	Neugebauer
Blackburn	Gibbons	Ney
Blunt	Gilchrest	Northup
Boehner	Gillmor	Norwood
Bonilla	Gingrey	Nunes
Bonner	Goode	Osborne
Bono	Goodlatte	Ose
Boozman	Granger	Otter
Bradley (NH)	Graves	Oxley
Brady (TX)	Green (WI)	Paul
Brown (SC)	Gutknecht	Pearce
Brown-Waite,	Hall	Pence
Ginny	Harris	Peterson (PA)
Burgess	Hart	Petri
Burns	Hastert	Pickering
Burr	Hastings (WA)	Pitts
Burton (IN)	Hayes	Platts
Buyer	Hayworth	Pombo
Calvert	Hefley	Porter
Camp	Hensarling	Portman
Cantor	Herger	Pryce (OH)
Carter	Hobson	Putnam
Castle	Hoekstra	Radanovich
Chabot	Hostettler	Ramstad
Chocola	Houghton	Regula
Coble	Hulshof	Rehberg
Cole	Hunter	Renzi
Collins	Hyde	Reynolds
Cox	Isakson	Rogers (AL)
Crane	Issa	Rogers (KY)
Crenshaw	Istook	Rogers (MI)
Cubin	Jenkins	Rohrabacher
Culberson	Johnson (CT)	Ros-Lehtinen
Cunningham	Keller	Royce
Davis, Jo Ann	Kennedy (MN)	Ryan (WI)
Davis, Tom	King (IA)	Ryun (KS)
Deal (GA)	Kingston	Sensenbrenner
DeLay	Kirk	Sessions
DeMint	Kline	Shadegg
Diaz-Balart, L.	Knollenberg	Shaw
Diaz-Balart, M.	Kolbe	Shays
Doolittle	Latham	Sherwood
Dreier	Lewis (CA)	Shimkus
Duncan	Lewis (KY)	Simpson

Smith (MI)	Thornberry	Weldon (PA)
Smith (TX)	Tiahrt	Weller
Souder	Tiberi	Whitfield
Stearns	Turner (OH)	Wicker
Sullivan	Vitter	Wilson (NM)
Tancred	Walden (OR)	Wilson (SC)
Taylor (NC)	Walsh	Wolf
Terry	Wamp	Young (FL)
Thomas	Weldon (FL)	

NOT VOTING—18

Ballenger	Kanjorski	Schrock
Cannon	Lucas (OK)	Shuster
Clyburn	Majette	Tauzin
Goss	Nethercutt	Toomey
Greenwood	Quinn	Waters
Johnson, Sam	Ryan (OH)	Young (AK)

□ 1621

Mrs. CUBIN changed her vote from “aye” to “no.”

Ms. HARMAN and Mr. MURPHY changed their vote from “no” to “aye.” So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated for:

Ms. MAJETTE. Mr. Chairman, I was unavoidably detained during the vote on the Obey amendment to the Labor, HHS, Education Appropriations bill for FY 2005. Had I been present for the vote on the Obey amendment to protect overtime I would have voted “yes.”

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY). Pursuant to clause 6 of rule XVII, the remainder of this series will be conducted as 5-minute votes.

AMENDMENT NO. 6 OFFERED BY MR. HAYWORTH

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 185, noes 227, not voting 21, as follows:

[Roll No. 435]

AYES—185

Aderholt	Brady (TX)	Crane
Akin	Brown (SC)	Crenshaw
Alexander	Brown-Waite,	Cubin
Bachus	Ginny	Culberson
Baker	Burgess	Cunningham
Barrett (SC)	Burns	Davis (AL)
Bartlett (MD)	Burr	Davis, Jo Ann
Barton (TX)	Buyer	Davis, Tom
Bass	Calvert	Deal (GA)
Beauprez	Camp	DeLay
Biggert	Cantor	DeMint
Bilirakis	Capito	Diaz-Balart, L.
Bishop (UT)	Carson (OK)	Diaz-Balart, M.
Blackburn	Carter	Doolittle
Blunt	Castle	Dreier
Boehner	Chabot	Duncan
Bonilla	Chocola	Dunn
Bonner	Coble	Emerson
Bono	Cole	English
Boozman	Collins	Everett
Boyd	Cox	Feeney
Bradley (NH)	Cramer	Flake

Foley	Kline	Pryce (OH)	Ruppersberger	Skelton	Udall (CO)	Chandler	Hinchey	Miller, George
Forbes	Knollenberg	Putnam	Rush	Slaughter	Udall (NM)	Chocola	Hinojosa	Mollohan
Franks (AZ)	Kolbe	Radanovich	Ryan (WI)	Smith (NJ)	Upton	Clay	Hobson	Moore
Frelinghuysen	LaHood	Ramstad	Sabo	Smith (WA)	Van Hollen	Clyburn	Hoeffel	Moran (VA)
Gallegly	Latham	Regula	Sanchez, Linda	Snyder	Velázquez	Coble	Hoekstra	Murphy
Garrett (NJ)	LaTourette	Rehberg	T.	Solis	Visclosky	Cole	Holden	Murtha
Gerlach	Leach	Renzi	Sanchez, Loretta	Spratt	Walsh	Collins	Holt	Musgrave
Gilchrest	Lewis (CA)	Reynolds	Sanders	Stark	Waters	Conyers	Honda	Myrick
Gillmor	Lewis (KY)	Rogers (AL)	Sandlin	Stearns	Watson	Cooper	Hookey (OR)	Nadler
Gingrey	Linder	Rogers (KY)	Saxton	Stenholm	Watt	Costello	Hostettler	Napolitano
Goode	Manzullo	Rogers (MI)	Schakowsky	Strickland	Waxman	Cox	Houghton	Neal (MA)
Goodlatte	Matheson	Rohrabacher	Schiff	Sweeney	Weiner	Cramer	Hoyer	Neugebauer
Granger	McCotter	Royce	Scott (GA)	Tauscher	Weldon (FL)	Crane	Hulshof	Ney
Graves	McCrery	Ryun (KS)	Scott (VA)	Thomas	Weldon (PA)	Crenshaw	Hunter	Northup
Gutknecht	McInnis	Sessions	Sensenbrenner	Thompson (CA)	Wexler	Crowley	Hyde	Norwood
Hall	McKeon	Shadegg	Serrano	Thompson (MS)	Wu	Cubin	Inslee	Nunes
Harris	Mica	Shaw	Shays	Tierney	Woolsey	Culberson	Isakson	Nussle
Hart	Miller (FL)	Sherwood	Sherman	Towns	Wynn	Cummings	Israel	Oberstar
Hastings (WA)	Miller (MI)	Simpson	Shimkus	Turner (OH)		Cunningham	Issa	Obey
Hayes	Miller, Gary	Smith (MI)	Simmons	Turner (TX)		Davis (AL)	Jackson (IL)	Olver
Hayworth	Musgrave	Smith (TX)				Davis (CA)	Jackson-Lee	Ortiz
Hensarling	Myrick	Souder				Davis (FL)	(TX)	Osborne
Herger	Neugebauer	Stupak	Ballenger	Kanjorski	Ryan (OH)	Davis (IL)	Jefferson	Ose
Herse	Ney	Sullivan	Cannon	Klecza	Schrock	Davis (TN)	Jenkins	Otter
Hobson	Northup	Tancredo	Delahunt	Lucas (OK)	Shuster	Davis, Jo Ann	John	Owens
Hostettler	Norwood	Tanner	Gephardt	Moran (KS)	Tauzin	Davis, Tom	Johnson (CT)	Oxley
Hulshof	Nunes	Taylor (MS)	Goss	Nethercutt	Terry	Deal (GA)	Johnson (IL)	Pallone
Hunter	Nussle	Taylor (NC)	Greenwood	Quinn	Toomey	DeFazio	Johnson, E. B.	Pascarell
Hyde	Oberstar	Thornberry	Istook	Ros-Lehtinen	Young (AK)	DeGette	Johnson, Sam	Pastor
Isakson	Osborne	Tiahrt				DeLauro	Jones (NC)	Paul
Issa	Ose	Tiberi				DeLay	Jones (OH)	Payne
Jenkins	Otter	Vitter				DeMint	Kaptur	Pearce
John	Oxley	Walden (OR)				Deutsch	Keller	Pelosi
Johnson, Sam	Paul	Wamp				Diaz-Balart, L.	Kelly	Pence
Jones (NC)	Pearce	Weller				Diaz-Balart, M.	Kennedy (MN)	Peterson (MN)
Keller	Pence	Whitfield				Dicks	Kennedy (RI)	Peterson (PA)
Kelly	Peterson (MN)	Wicker				Dingell	Kildee	Petri
Kennedy (MN)	Pickering	Wilson (NM)				Doggett	Kilpatrick	Pickering
King (IA)	Pomeroy	Wilson (SC)				Dooley (CA)	Kind	Pitts
Kingston	Portman	Young (FL)				Doolittle	King (IA)	Platts
						Doyle	King (NY)	Pombo
						Dreier	Kirk	Pomeroy
						Duncan	Klecza	Porter
						Dunn	Kline	Portman
						Edwards	Knollenberg	Price (NC)
						Ehlers	Kolbe	Pryce (OH)
						Emanuel	Kucinich	Putnam
						Emerson	LaHood	Radanovich
						Engel	Lampson	Rahall
						English	Langevin	Ramstad
						Eshoo	Lantos	Rangel
						Etheridge	Larsen (WA)	Regula
						Evans	Larson (CT)	Rehberg
						Everett	Latham	Renzi
						Farr	LaTourette	Reyes
						Fattah	Leach	Reynolds
						Feeney	Lee	Rodriguez
						Ferguson	Levin	Rogers (AL)
						Filner	Lewis (CA)	Rogers (KY)
						Flake	Lewis (GA)	Rogers (MI)
						Foley	Lewis (KY)	Rohrabacher
						Forbes	Linder	Ros-Lehtinen
						Ford	Lipinski	Ross
						Fossella	LoBiondo	Rothman
						Frank (MA)	Lofgren	Roybal-Allard
						Franks (AZ)	Lowe	Royce
						Frelinghuysen	Lucas (KY)	Ruppersberger
						Frost	Lynch	Rush
						Gallegly	Majette	Ryan (WI)
						Garrett (NJ)	Maloney	Ryun (KS)
						Gerlach	Manzullo	Sabo
						Gibbons	Markey	Sanchez, Linda
						Gilchrest	Marshall	T.
						Gillmor	Matheson	Sanchez, Loretta
						Gingrey	Matsui	Sanders
						Gonzalez	McCarthy (MO)	Sandlin
						Goode	McCarthy (NY)	Saxton
						Goodlatte	McCollum	Schakowsky
						Gordon	McCotter	Schiff
						Granger	McCrery	Scott (GA)
						Graves	McDermott	Scott (VA)
						Green (TX)	McGovern	Sensenbrenner
						Green (WI)	McHugh	Serrano
						Grijalva	McInnis	Sessions
						Gutierrez	McIntyre	Shadegg
						Gutknecht	McKeon	Shaw
						Hall	McNulty	Shays
						Harman	Meek (FL)	Sherman
						Hart	Meeks (NY)	Sherwood
						Hastings (FL)	Menendez	Shimkus
						Hastings (WA)	Mica	Simmons
						Hayes	Michaud	Simpson
						Hayworth	Millender-	Skelton
						Hensarling	McDonald	Slaughter
						Herger	Miller (FL)	Smith (MI)
						Herse	Miller (MI)	Smith (NJ)
						Hill	Miller (NC)	Smith (TX)
							Miller, Gary	Smith (WA)
								Snyder

## NOT VOTING—21

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1630

Ms. DUNN changed her vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. KILDEE

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan (Mr. KILDEE) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 413, noes 3, not voting 17, as follows:

[Roll No. 436]

AYES—413

Abercrombie	Biggart	Brown-Waite,
Ackerman	Bilirakis	Ginny
Aderholt	Bishop (GA)	Burgess
Akin	Bishop (NY)	Burns
Alexander	Bishop (UT)	Burr
Allen	Blackburn	Burton (IN)
Andrews	Blumenauer	Butterfield
Baca	Boehlert	Buyer
Bachus	Boehner	Calvert
Baird	Bonilla	Camp
Baker	Bonner	Cantor
Baldwin	Bono	Capito
Barrett (SC)	Boozman	Capps
Bartlett (MD)	Boswell	Capuano
Barton (TX)	Boucher	Cardin
Bass	Boyd	Cardoza
Beauprez	Bradley (NH)	Carson (IN)
Becerra	Brady (PA)	Carson (OK)
Bell	Brady (TX)	Carter
Berkley	Brown (OH)	Case
Berman	Brown (SC)	Castle
Berry	Brown, Corrine	Chabot



Solis	Thompson (MS)	Waters
Souder	Thornberry	Watson
Spratt	Tiahrt	Watt
Stark	Tiberi	Waxman
Stearns	Tierney	Weiner
Stenholm	Towns	Weldon (FL)
Strickland	Turner (OH)	Weldon (PA)
Stupak	Turner (TX)	Weller
Sullivan	Udall (CO)	Wexler
Sweeney	Udall (NM)	Whitfield
Tancred	Upton	Wicker
Tanner	Van Hollen	Wilson (NM)
Tauscher	Velázquez	Wilson (SC)
Taylor (MS)	Visclosky	Wolf
Taylor (NC)	Vitter	Woolsey
Terry	Walden (OR)	Wu
Thomas	Walsh	Wynn
Thompson (CA)	Wamp	Young (FL)

## NOES—3

Blunt	Istook	Kingston
-------	--------	----------

## NOT VOTING—17

Ballenger	Kanjorski	Schrock
Cannon	Lucas (OK)	Shuster
Delahunt	Moran (KS)	Tauzin
Gephardt	Nethercutt	Toomey
Goss	Quinn	Young (AK)
Greenwood	Ryan (OH)	

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1638

Mr. SHIMKUS changed his vote from “no” to “aye.”

So the amendment was agreed to.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. STARK

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California (Mr. STARK) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 195, noes 216, not voting 22, as follows:

[Roll No. 437]

## AYES—195

Abercrombie	Butterfield	DeGette
Ackerman	Capps	DeLauro
Allen	Capuano	Deutsch
Andrews	Cardin	Dicks
Baca	Cardoza	Dingell
Baird	Carson (IN)	Doggett
Baldwin	Carson (OK)	Dooley (CA)
Becerra	Case	Doyle
Bell	Chandler	Edwards
Berkley	Clay	Emanuel
Berman	Clyburn	Engel
Berry	Conyers	Eshoo
Bishop (GA)	Cooper	Etheridge
Bishop (NY)	Costello	Evans
Blumenauer	Cramer	Farr
Boswell	Crowley	Fattah
Boucher	Cummings	Filner
Boyd	Davis (AL)	Frank (MA)
Bradley (NH)	Davis (CA)	Frost
Brady (PA)	Davis (IL)	Gonzalez
Brown (OH)	Davis (TN)	Gordon
Brown, Corrine	DeFazio	Green (TX)

Grijalva	Markey	Ruppersberger
Gutknecht	Marshall	Rush
Hastings (FL)	Matheson	Sabo
Herseth	Matsui	Sánchez, Linda
Hill	McCarthy (MO)	T.
Hinche	McCarthy (NY)	Sanchez, Loretta
Hinojosa	McCollum	Sanders
Hoeffel	McDermott	Schakowsky
Holden	McGovern	Schiff
Holt	McIntyre	Scott (GA)
Honda	McNulty	Scott (VA)
Hooley (OR)	Meehan	Serrano
Hoyer	Meeks (NY)	Sherman
Inslee	Menendez	Skelton
Israel	Michaud	Slaughter
Jackson (IL)	Miller (NC)	Smith (WA)
Jackson-Lee	Miller, George	Solis
(TX)	Mollohan	Spratt
Jefferson	Moran (VA)	Stark
Johnson, E. B.	Murtha	Stenholm
Jones (NC)	Nadler	Strickland
Jones (OH)	Napolitano	Stupak
Kaptur	Neal (MA)	Tauscher
Kennedy (RI)	Oberstar	Taylor (MS)
Kildee	Obey	Thompson (CA)
Kilpatrick	Olver	Thompson (MS)
Kind	Ortiz	Tierney
Kleczka	Owens	Towns
Kucinich	Pallone	Turner (TX)
Lampson	Pascrell	Udall (CO)
Langevin	Pastor	Udall (NM)
Lantos	Paul	Van Hollen
Larsen (WA)	Payne	Velázquez
Larson (CT)	Pelosi	Visclosky
Lee	Peterson (MN)	Waters
Levin	Pomeroy	Watson
Lewis (GA)	Price (NC)	Watt
Lipinski	Rahall	Waxman
Lofgren	Rangel	Weiner
Lowe	Reyes	Wexler
Lucas (KY)	Rodriguez	Woolsey
Lynch	Ross	Wu
Majette	Rothman	Wynn
Maloney	Roybal-Allard	

## NOES—216

Aderholt	Diaz-Balart, L.	Johnson, Sam
Akin	Diaz-Balart, M.	Keller
Alexander	Doolittle	Kelly
Bachus	Dreier	Kennedy (MN)
Baker	Duncan	King (IA)
Barrett (SC)	Dunn	King (NY)
Bartlett (MD)	Ehlers	Kingston
Barton (TX)	Emerson	Kirk
Bass	English	Kline
Beauprez	Everett	Knollenberg
Biggart	Feeney	Kolbe
Bilirakis	Ferguson	LaHood
Bishop (UT)	Flake	Latham
Blackburn	Foley	LaTourette
Blunt	Forbes	Leach
Boehlert	Fossella	Lewis (CA)
Boehner	Franks (AZ)	Lewis (KY)
Bonilla	Frelinghuysen	Linder
Bonner	Gallagher	LoBiondo
Bono	Garrett (NJ)	Manzullo
Boozman	Gerlach	McCotter
Brady (TX)	Gibbons	McCrery
Brown (SC)	Gilchrest	McHugh
Brown-Waite,	Gillmor	McInnis
Ginny	Gingrey	McKeon
Burgess	Goode	Meek (FL)
Burns	Goodlatte	Mica
Burr	Granger	Millender-
Burton (IN)	Graves	McDonald
Buyer	Green (WI)	Miller (FL)
Calvert	Hall	Miller (MI)
Camp	Harman	Miller, Gary
Cantor	Harris	Murphy
Capito	Hart	Musgrave
Carter	Hastings (WA)	Myrick
Castle	Hayes	Neugebauer
Chabot	Hayworth	Ney
Chocola	Hefley	Northup
Coble	Hensarling	Norwood
Cole	Herger	Nunes
Collins	Hobson	Nussle
Cox	Hoekstra	Osborne
Crane	Hostettler	Ose
Crenshaw	Houghton	Otter
Cubin	Hulshof	Oxley
Culberson	Hunter	Pearce
Cunningham	Hyde	Pence
Davis (FL)	Isakson	Peterson (PA)
Davis, Jo Ann	Issa	Petri
Davis, Tom	Istook	Pickering
Deal (GA)	Jenkins	Pitts
DeLay	Johnson (CT)	Platts
DeMint	Johnson (IL)	Pombo

Porter	Sensenbrenner	Thomas
Portman	Sessions	Thornberry
Pryce (OH)	Shadegg	Tiahrt
Putnam	Shaw	Tiberi
Radanovich	Shays	Turner (OH)
Ramstad	Sherwood	Upton
Regula	Shimkus	Vitter
Rehberg	Simmons	Walden (OR)
Renzi	Simpson	Walsh
Reynolds	Smith (MI)	Wamp
Rogers (AL)	Smith (NJ)	Weldon (FL)
Rogers (KY)	Smith (TX)	Weldon (PA)
Rogers (MI)	Snyder	Weller
Rohrabacher	Souder	Whitfield
Ros-Lehtinen	Stearns	Wicker
Royce	Sullivan	Wilson (NM)
Ryan (WI)	Sweeney	Wilson (SC)
Ryun (KS)	Tancred	Wolf
Sandlin	Taylor (NC)	Young (FL)
Saxton	Terry	

## NOT VOTING—22

Ballenger	John	Schrock
Cannon	Kanjorski	Shuster
Delahunt	Lucas (OK)	Tanner
Ford	Moore	Tauzin
Gephardt	Moran (KS)	Toomey
Goss	Nethercutt	Young (AK)
Greenwood	Quinn	
Gutierrez	Ryan (OH)	

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded that there are 2 minutes remaining to vote.

□ 1646

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT NO. 3 OFFERED BY MR. PAUL

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. PAUL) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

## RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 95, noes 315, not voting 23, as follows:

[Roll No. 438]

## AYES—95

Aderholt	Crane	Herger
Akin	Cubin	Hoekstra
Barrett (SC)	Culberson	Hoekstra
Bartlett (MD)	Davis, Jo Ann	Hunter
Biggart	Deal (GA)	Johnson (IL)
Bilirakis	DeLay	Jones (NC)
Bishop (UT)	DeMint	Kennedy (MN)
Blackburn	Doolittle	King (IA)
Bonner	Duncan	Kingston
Boozman	Everett	Linder
Brady (TX)	Feeney	Manzullo
Brown-Waite,	Flake	McCotter
Ginny	Forbes	Miller (FL)
Burgess	Franks (AZ)	Miller (MI)
Burns	Garrett (NJ)	Miller, Gary
Burton (IN)	Goode	Musgrave
Camp	Goodlatte	Myrick
Cantor	Graves	Neugebauer
Chabot	Green (WI)	Norwood
Chocola	Gutknecht	Ose
Coble	Hart	Otter
Cole	Hayes	Paul
Collins	Hefley	Pence
Cox	Hensarling	Petri

Pitts  
Pombo  
Ramstad  
Rogers (MI)  
Rohrabacher  
Royce  
Ryan (WI)  
Ryun (KS)

Sensenbrenner  
Sessions  
Shadegg  
Simpson  
Smith (MI)  
Souder  
Stearns  
Sullivan

Tancredo  
Taylor (MS)  
Terry  
Thornberry  
Tiahrt  
Upton  
Vitter  
Whitfield

Sherwood  
Shimkus  
Simmons  
Skeltton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Spratt  
Stark  
Stenholm  
Strickland  
Stupak  
Sweeney  
Tauscher

Taylor (NC)  
Thomas  
Thompson (CA)  
Thompson (MS)  
Tiberi  
Tierney  
Towns  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Van Hollen  
Velázquez  
Visclosky  
Walden (OR)  
Walsh  
Wamp

Waters  
Watson  
Watt  
Waxman  
Weiner  
Weldon (FL)  
Weldon (PA)  
Weller  
Wexler  
Wicker  
Wilson (NM)  
Wilson (SC)  
Wolf  
Woolsey  
Wu  
Wynn  
Young (FL)

## NOES—315

Abercrombie  
Ackerman  
Alexander  
Allen  
Andrews  
Baca  
Bachus  
Baird  
Baker  
Baldwin  
Barton (TX)  
Bass  
Beauprez  
Becerra  
Bell  
Berkley  
Berman  
Berry  
Bishop (GA)  
Bishop (NY)  
Blumenauer  
Blunt  
Boehlert  
Boehner  
Bonilla  
Bono  
Boswell  
Boucher  
Boyd  
Bradley (NH)  
Brady (PA)  
Brown (OH)  
Brown (SC)  
Brown, Corrine  
Burr  
Butterfield  
Buyer  
Calvert  
Capito  
Capps  
Capuano  
Cardin  
Cardoza  
Carson (IN)  
Carson (OK)  
Carter  
Case  
Castle  
Chandler  
Clay  
Clyburn  
Conyers  
Cooper  
Costello  
Cramer  
Crenshaw  
Crowley  
Cummings  
Cunningham  
Davis (AL)  
Davis (CA)  
Davis (FL)  
Davis (IL)  
Davis (TN)  
Davis, Tom  
DeFazio  
DeGette  
DeLauro  
Deutsch  
Diaz-Balart, L.  
Diaz-Balart, M.  
Dicks  
Dingell  
Doggett  
Dooley (CA)  
Doyle  
Dreier  
Dunn  
Edwards  
Ehlers  
Emanuel  
Emerson  
Engel  
English  
Eshoo  
Etheridge  
Evans  
Farr  
Fattah

Ferguson  
Filner  
Foley  
Ford  
Fossella  
Frank (MA)  
Frelinghuysen  
Frost  
Gallegly  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gonzalez  
Gordon  
Granger  
Green (TX)  
Grijalva  
Gutierrez  
Hall  
Harman  
Harris  
Hastings (FL)  
Hastings (WA)  
Hayworth  
Herseth  
Hill  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Holden  
Holt  
Honda  
Hooley (OR)  
Houghton  
Hoyer  
Hulshof  
Hyde  
Inslee  
Isakson  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson, E. B.  
Johnson, Sam  
Jones (OH)  
Kaptur  
Keller  
Kelly  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
King (NY)  
Kirk  
Klecicka  
Kline  
Knollenberg  
Kolbe  
Kucinich  
LaHood  
Lampson  
Lantos  
Larsen (WA)  
Larson (CT)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (GA)  
Lewis (KY)  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lynch  
Majette  
Maloney

Markey  
Marshall  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCrery  
McDermott  
McGovern  
McHugh  
McIntyre  
McKeon  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Millender-  
McDonald  
Miller (NC)  
Miller, George  
Mollohan  
Moore  
Moran (VA)  
Murphy  
Murtha  
Nadler  
Napolitano  
Neal (MA)  
Ney  
Northup  
Nunes  
Nussle  
Oberstar  
Obey  
Olver  
Ortiz  
Osborne  
Owens  
Oxley  
Pallone  
Pascarell  
Pastor  
Payne  
Pearce  
Pelosi  
Peterson (MN)  
Peterson (PA)  
Pickering  
Platts  
Pomeroy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Radanovich  
Rahall  
Rangel  
Regula  
Rehberg  
Renzi  
Reyes  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Sabo  
Sánchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Scott (GA)  
Scott (VA)  
Serrano  
Shaw  
Shays  
Sherman

## NOT VOTING—23

Ballenger  
Cannon  
Delahunt  
Gephardt  
Goss  
Greenwood  
Istook  
Kanjorski

Langevin  
Lucas (OK)  
McInnis  
McNulty  
Moran (KS)  
Nethercutt  
Quinn  
Rush

Ryan (OH)  
Schrock  
Shuster  
Tanner  
Tauzin  
Toomey  
Young (AK)

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are reminded 2 minutes remain to record their vote.

□ 1654

Mrs. MILLER of Michigan changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MS. BORDALLO

Ms. BORDALLO. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. BORDALLO:

At the end of bill (before the short title), insert the following:

SEC. \_\_\_\_\_. None of the funds made available in this Act may be used to enforce the limitations under section 1108 of the Social Security Act on the amount certified for fiscal year 2005 with respect to title XIX of such Act with respect to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands, but only insofar as such amount provided by this Act does not exceed \$9,190,000 for Guam, \$9,420,000 for the Virgin Islands, \$5,950,000 for American Samoa, and \$3,380,000 for the Northern Mariana Islands, and the amount otherwise provided by this Act for "Centers for Medicare and Medicaid Services—Program Management" is hereby reduced by \$8,000,000.

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentlewoman from Guam (Ms. BORDALLO) and the gentleman from Texas (Mr. BARTON) each will control 5 minutes.

The Chair recognizes the gentlewoman from Guam (Ms. BORDALLO).

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Ohio (Chairman REGULA) and the gentleman from Wisconsin (Mr. OBEY) for allowing me the opportunity to offer this amendment. I come before the House today to address the chronic health care disparities in the Insular Areas.

This amendment temporarily brings the Insular Areas into parity with the funding of other States. While States receive between 50 to 75 percent in Federal matching funds for their Medicaid costs, Guam and the Insular Areas' matching funds are arbitrarily reduced to 25 percent at the most. The gap in funding must therefore be borne by the local governments. This financial burden has crippled the health care system in Guam.

Chronic illnesses such as cancer and heart disease are abnormally prevalent in the Insular Areas. Diabetes is a leading cause of death on Guam. Contagious diseases like tuberculosis are a constant threat to the health of our children. Patients needing emergency care in Guam are often medvaced to Hawaii for treatment, largely at their own expense. Guam's only cancer clinic has recently closed. The Guam Memorial Hospital Authority is on the verge of bankruptcy with constant safety concerns.

The gentleman from Indiana (Chairman BURTON), the gentleman from California (Mr. HONDA), the gentleman from American Samoa (Mr. FALEOMAVAEGA), and the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN) have each advocated forcefully that Congress address this issue. And now is the time to do it.

We have had a hearing on the dangerous health care disparities in the Insular Areas. The GAO is currently conducting a study to further document these problems. The amendment before us has been scored by CBO and is fully offset.

Listen to the plea for medical assistance coming from the Insular Areas. America's most disadvantaged citizens truly need our help, and this is the first step in the right direction; and I urge the Members to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. BARTON of Texas. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in reluctant opposition to this amendment. Obviously I am not opposed to providing additional dialysis and health care for the residents of the Virgin Islands and Guam and the Northern Mariana Islands. However, having said that, the way this amendment is structured, if we were to support the amendment, if it were to pass, it would change the Medicaid funding formula, which, as we all know, is a very sensitive issue and is something that in the next Congress I intend to make a major effort to do a fair reform of that formula.

If this amendment were to pass, it is my understanding that the people that are covered by the amendment, 2 million out of the 3 million covered are qualified for Medicaid, and there could be, I am not saying there would be, but could be as much as \$28 million in expenditures, additional expenditures. Since I have the committee of jurisdiction and we had not even been approached on this until either yesterday

or today, I would hope that the gentleman and the gentleman from Indiana would withdraw the amendment and we could work with them to find a way to get some funding this year in some additional bill that is going to come before the floor.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I had an opportunity to speak with the gentleman from Texas (Chairman BARTON) about this issue; and as I understand it, he is pretty much committed to helping get these funds this year through another source to help the people in this area.

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. I am not opposed to the underlying substance of the amendment. My objection is to the procedure, and the way in which it has come forward in order to implement it in its current configuration would cause a major problem down the road in Medicaid-matched rates with other States.

Mr. BURTON of Indiana. Mr. Chairman, if the gentleman would continue to yield, the limitations that are placed on American citizens in that part of the world as far as Medicaid is concerned are quite low. Is it my understanding that he is going to try to change that in the next Congress so that there is a more equitable distribution?

Mr. BARTON of Texas. Mr. Chairman, reclaiming my time, the gentleman is correct. My father was a diabetic. I respect the fact that the gentleman has been out and had, if not a formal hearing, at least some meetings in the Territories in which this was discussed. I understand the gentleman's concern and her requirement that she has to represent her constituents. This is not a policy objection. This is a fact that when we deal with Medicaid, we have got a carefully crafted formula that involves all the States and the Territories and this amendment would upset that formula.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. BARTON of Texas. I further yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I know the gentleman from Texas (Chairman BARTON). He is a man of his word. And if he says that he will help us get the funds for the people who are suffering over in that part of the world who are American citizens, I am sure he will do that; and he has also said he will address the distribution formula or the limitations that are placed on the Marianas, Guam, and Saipan and others. In any event, he has made a commitment to do that. I think it would probably be wise to consider withdrawing the amendment because I know he is a man of his word and he will help us get this problem solved. But I will leave it up to them.

□ 1700

Mr. BARTON of Texas. Mr. Chairman, I reserve the balance of my time.

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman from Indiana (Mr. BURTON) for his kind words and support.

Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. HONDA).

Mr. HONDA. Mr. Chairman, I rise in favor of the amendment, but it sounds like there is a work afoot to be able to support the desire for the gentleman from Guam (Mr. BORDALLO) to work further in the next session. Is that what I am hearing?

Mr. BARTON of Texas. Mr. Chairman, will the gentleman yield?

Mr. HONDA. I yield to the gentleman from Texas.

Mr. BARTON of Texas. It would certainly be in the next session. I am not opposed to trying to do something in the next 4 or 5 weeks in this session, if we can find the right vehicle.

Mr. HONDA. Mr. Chairman, reclaiming my time, that would be great. As Chair of the Congressional Asian Pacific Islander Caucus, I support that effort and would work with both the chairman and the gentleman from Guam in the furtherance of this amendment. I thank the gentleman for his cooperation.

Mr. BARTON of Texas. Mr. Chairman, I yield 1 minute to the gentleman from Indiana (Mr. SOUDER).

(Mr. SOUDER asked and was given permission to revise and extend his remarks.)

Mr. SOUDER. Mr. Chairman, I thank the gentleman from Texas (Chairman BARTON), and I appreciate the challenge that diabetes faces in the United States.

I will insert in the RECORD a letter, and I had considered an amendment, but actually it fits really well with this. As chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the Committee on Government Reform, we have been trying for about 2 years to get from the Department of HHS a listing of the studies on adult stem cell research, embryonic stem cell research, and others.

Finally, yesterday, after a full 23 months, the Department gave us a listing of all the studies that have been done on stem cell research as it relates to diabetes, as it relates to Parkinson's disease and others. I will insert the correspondence that we have had back and forth for the RECORD, as well as the list of studies and their conclusions about the effectiveness of adult stem cell research and the fact that they do not have any successful clinical studies on embryonic stem cell research.

Mr. Chairman, one of the most exciting and controversial areas of clinical research in recent years has involved stem cells.

The Subcommittee on Criminal Justice, Drug Policy and Human Resources, which I chair, has held a series of hearings on stem

cell research. We have learned dramatic advances in medicine have been made utilizing stem cells obtained from adult tissues and cord blood.

Yet proponents of human cloning and destructive embryonic stem cell research continue to promise ailing patients and their families and friends and members of Congress that stem cells from these controversial sources will yield even greater medical breakthroughs.

When the subcommittee held its hearings, we located a number of patients successfully treated with stem cells derived from cord blood and adult tissues. Yet we were unable to find a single patient or a single disease that has ever been successfully treated with embryonic stem cells or through cloning human embryos.

In October 2002, nearly 2 years ago, Congressman CHRIS SMITH and I sent a letter to the director of the National Institutes of Health, NIH, requesting that the agency prepare a comprehensive report of all medical therapies for humans that currently exist and ongoing clinical trials which utilize (1) adult stem cells, (2) cord blood stem cells, (3) embryonic stem cells, (4) fetal (germ) cells or (5) stem cells from cloned embryos.

We believe that this information is vitally important for patients, scientists and lawmakers so we can turn our attention away from media hype and focus our attention and resources on real medical breakthroughs that are offering the best hope and promise for real people.

Knowing the high profile stem cell research has had in recent years, we expected that NIH, with a budget of nearly \$30 billion, would be quick to respond to Congress to demonstrate that taxpayer-funded research on stem cells—including embryonic stem cells—was indeed living up to the promises.

After repeated inquiries by my staff on the status on this report over a year and a half, on June 17, 2004, Chairman TOM DAVIS and I sent a written ultimatum inquiring about the status of the report.

The following day, the subcommittee received a response signed by Dr. James Battey, Director of the National Institutes on Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed and was clearly inadequate.

Subcommittee staff, in fact, identified five NIH-sponsored clinical trials in which human patients are being treated with adult stem cell therapies, which, astonishingly, were not included in the NIH response.

At a meeting on July 2 between subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested.

Since that meeting just 2 months ago, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone and researchers at the Northwestern University in Chicago successfully cured a woman with severe rheumatoid arthritis by transplanting adult stem cells from her sister.

Still there have been no cures, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.

Just yesterday—a full 23 months after sending our initial request to the agency and following another written inquiry—NIH finally delivered a 79-page report on stem cell therapies. The NIH report finds that over 100 health disorders and conditions are currently treatable with non-embryonic stem cells. Yet, not a single condition has been treated with embryonic stem cells.

Based on the available medical data provided by the Nation's premier scientific institute, adult stem cell research clearly continues to live up to its promise by yielding real results while embryonic stem cell and cloning research remains unproven.

These findings underscore the need to continue to prioritize adult stem cell research that has actually yielded the most practical results for patients rather than siphoning resources away to gamble on purely speculative research.

I would like to submit for the RECORD the cover letter from NIH's report, a list of conditions currently being treated with adult stem cells and a letter sent to Health and Human Services Secretary Tommy Thompson in July regarding our request as well as a letter to the Director of the NIH sent last week.

SEPTEMBER 8, 2004.

Hon. MARK SOUDER,  
Chairman, Subcommittee on Criminal Justice,  
Drug Policy and Human Resources, Committee on Government Reform, House of Representatives, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN SOUDER: Dr. Elias Zerhouni, Director of the National Institutes of Health (NIH), asked me to provide additional materials to respond to your questions for the NIH and Department of Health and Human Services (DHHS) regarding the current status of medical therapies and clinical research using stem cells.

In your recent letter of July 9, 2004 to HHS Secretary Tommy Thompson, you reiterated four areas for which you are requesting information:

1. A comprehensive listing of all medical therapies which utilize various types of stem cells,

2. A listing of all ongoing clinical trials or experiments involving human subjects using these same categories of stem cells,

3. The findings of any studies that utilized stem cells or tissues from embryos or fetuses to treat human patients from Parkinson's disease and juvenile diabetes, and

4. A listing of alternatives to stem cells from embryos and fetuses that have shown promise in human subjects for treating juvenile diabetes, Alzheimer's, and Parkinson's disease.

To develop responses to these questions, my staff reviewed over 18,000 published biomedical journal articles for the past 10 years (1994–June 2004) using the database PubMed. PubMed was developed at the NIH/National Library of Medicine (NLM) and provides access to citations and abstracts from the biomedical journal literature. In developing the response it was decided to limit the literature search to publications within the past 10 years due to the overwhelming volume of articles on bone marrow treatments prior to 1995. The terms for the search strategy and a glossary of medical terms are included in the accompanying notebook under Tabs 1 and 2. Our review did not include any results published or added to PubMed after June 2004, since NIH had to proceed with the analysis on a fixed set of data. Since June 2004, it is estimated there are over 300 published articles that meet our search criteria. Any specific biomedical journal articles that

you may be aware of that were published after June 2004 are listed through PubMed at <http://www.nlm.nih.gov>.

As a result of the analysis, my staff compiled a listing of medical therapies which utilize various types of stem cells as published in the scientific literature over the past 10 years. This listing is provided as Tab 3.

In addition, my staff conducted a search of current clinical trials that involve stem cells as a part of the treatment protocol. The clinical trials database used in this search is available from the NIH/NLM at <http://clinicaltrials.gov>. The database provides regularly updated information about clinical research in human volunteers. The clinical trials database currently contains approximately 11,400 clinical studies sponsored by the NIH, other federal agencies, and some privately funded trials. The listing of ongoing clinical trials is provided under Tab 4. The search terms used were "stem cell transplantation or stem cells" and retrieved 563 studies of trial records as of August 24, 2004. For access to the full clinical trial records, search <http://clinicaltrials.gov/>. I would like to underscore that while there have been claims in the popular press and elsewhere of people who have been helped or cured by stem cell therapies, the NIH cannot attest to their veracity as proven therapies until such time as scientific clinical trials have been conducted and the results of those trials have been published in the scientific peer-reviewed literature.

I am also providing information from our analysis on any findings of studies that use stem cells or tissues from human embryos or fetuses to treat Parkinson's disease or juvenile diabetes. There are currently no studies using stem cells or tissues from embryos or fetuses to treat type 1 diabetes. With regards to Parkinson's disease, we found that scientists have tried two approaches utilizing tissues from embryos or fetuses to treat human patients with Parkinson's disease. The first study showed that human embryonic dopamine-neuron tissue transplants survive in patients with severe Parkinson's disease and result in some clinical benefit in younger but not in older patients. In addition, dystonia and dyskinesias recurred in 15 percent of the patients who received transplants, even after reduction or discontinuation of the dose of dopaminergic medications, like levodopa. In a follow-up article looking at the same patients, scientists measured cognitive performance at 1 year after transplantation. Performance was not significantly different between the two patient groups (transplanted and no transplant). The second study showed that, as with embryonic tissue transplanted PD patients, younger PD patients with fetal tissue transplants do show motor improvement. However, the underlying disease process does not slow down after fetal transplantation, and Parkinson symptoms ultimately recur. Moreover, fifty-six percent of transplanted patients developed dyskinesia that persisted after overnight withdrawal of dopaminergic medication. A further discussion of these results is contained in Tab 5.

Under the second question in Tab 5, we describe a potential tissue-based alternative to stem cells from embryos and fetuses that has shown promise for treating juvenile diabetes. In addition, NIH funds significant research in focusing on other possible therapies for each of these diseases, and would be glad to provide further information on these upon request.

Finally, in order to better manage the results of the PubMed journal literature that were used in our analysis, my staff developed a database of the 18,349 records, which can be searched by keywords, author, and other

searchable limits. The database URL and passwords will be sent to you under separate cover. An example of the user interface with descriptions of search field capabilities is appended in Tab 1.

I hope you find this information satisfactory in responding to your questions on stem cell treatment.

Sincerely,

JAMES F. BATTEY, Jr.,  
M.D., Ph.D. Director,  
National Institute  
on Deafness and  
Other Communication  
Disorders,  
Chair, NIH Stem Cell  
Task Force.

#### DISORDERS AND CONDITIONS TREATED WITH NON-EMBRYONIC STEM CELLS

Note: Not all of these treatments are considered "standard" treatments—many are experimental

Source: Compiled from NIH's database search and the National Marrow Donor Program

Acute Leukemias: Acute Lymphoblastic Leukemia (ALL); Acute Myelogenous Leukemia (AML); Acute Biphenotypic Leukemia; Acute Undifferentiated Leukemia; Philadelphia chromosome positive acute lymphoblastic leukemia.

Chronic Leukemias: Chronic Myelogenous Leukemia; Chronic Lymphocytic Leukemia; Juvenile Chronic Myelogenous Leukemia; Juvenile Myelomonocytic Leukemia.

Myelodysplastic Syndromes: Chronic Myelomonocytic Leukemia; Refractory Anemia.

Stem Cell Disorders: Aplastic Anemia; Fanconi's Anemia; Paroxysmal Nocturnal Hemoglobinuria (PNH); Pure Red Cell Aplasia.

Myeloproliferative Disorders: Acute Myelofibrosis; Agnogenic Myeloid Metaplasia (myelofibrosis); Essential Thrombocythemia; Polycythemia Vera.

Lymphoproliferative Disorders: Non-Hodgkin's Lymphoma; Hodgkin's Disease.

Phagocyte Disorders: Chediak-Higashi Syndrome; Chronic Granulomatous Disease; Neutrophil Actin Deficiency; Reticular Dysgenesis.

Inherited Metabolic Disorders: Adrenoleukodystrophy; Gaucher's Disease; Hunter's Syndrome (MPS-II); Hurler's Syndrome (MPS-IH); Krabbe Disease; Lysosomal Storage Disorders; Maroteaux-Lamy Syndrome (MPS-VI); Metachromatic Leukodystrophy; Morquio Syndrome (MPS-IV); Mucopolidosis II (I-cell Disease); Mucopolysaccharidoses (MPS); Niemann-Pick Disease; Peroxisomal Disorders; Sanfilippo Syndrome (MPS-III); Scheie Syndrome (MPS-IS); Sly Syndrome, Beta-Glucuronidase Deficiency (MPS-VII); Wolman Disease.

Histiocytic Disorders: Familial Erythrophagocytic Lymphohistiocytosis; Hemophagocytosis; Histiocytosis-X; Langerhans cell histiocytosis.

Inherited Erythrocyte Abnormalities: Cooley's Anemia; Diamond Blackfan Anemia; Fanconi's Anemia; Sickle Cell Disease; Thalassemias.

Inherited Immune System Disorders: Ataxia-Telangiectasia; Bare Lymphocyte Syndrome; DiGeorge Syndrome; Kostmann Syndrome; Leukocyte Adhesion Deficiency; Omenn's Syndrome; Severe Combined Immunodeficiency (SCID); SCID with Adenosine Deaminase Deficiency; SCID with Absence of T & B Cells; SCID with Absence of T Cells, Normal B Cell Common Variable Immunodeficiency; Wiskott-Aldrich Syndrome; X-Linked Lymphoproliferative Disorder.

Other Inherited Disorders: Lesch-Nyhan Syndrome; Cartilage-Hair Hypoplasia;

Glanzmann Thrombasthenia;  
Leukodystrophy; Osteogenesis Imperfecta;  
Osteopetrosis.

Inherited Platelet Abnormalities:  
Hemagangiocytosis; Congenital  
Thrombocytopenia.

Plasma Cell Disorders: Multiple Myeloma;  
Plasma Cell Leukemia; Waldenstrom's  
Macroglobulinemia.

Other Malignancies: Brain cancer; Breast  
cancer; Ewing's Sarcoma/Ewing's family of  
tumors; Gastrointestinal cancers; Lung can-  
cers; Malignant Thyoma; Meningeal cancer;  
Musculoskeletal cancers; Neuroblastoma;  
Renal cell carcinoma; Reproductive cancers  
(ovary, testes, stem cells cancer);  
Retinoblastoma; Sarcoma; Skin cancer/mela-  
noma; Urinary cancer.

Autoimmune Disorders: Autoimmune  
Lymphoproliferative Syndrome (ALPS);  
Crohn's Disease; Juvenile arthritis; Multiple  
sclerosis; Rheumatoid arthritis; Systemic  
lupus erythematosus.

Other Diseases/Conditions: AIDS; Al-  
zheimer's Disease; Amyotrophic lateral scler-  
osis (ALS, Lou Gehrig's Disease); Chronic  
myeloproliferative disorders; Coronary  
(Heart) Disease; Cytomegalovirus Infection;  
Graft versus Host Disease (GVHD); Nervous  
system repair; Ocular/Corneal Damage; Par-  
kinson's disease; Skeletal and cartilage re-  
pair; Stroke.

JULY 9, 2004.

Hon. TOMMY G. THOMPSON,  
Secretary, Department of Health and Human  
Services, Washington, DC.

DEAR MR. SECRETARY: As Chairman Davis  
and I indicated in our letter dated June 17,  
2004, over the past two years the Sub-  
committee on Criminal Justice, Drug Policy,  
and Human Resources and the office of  
Chairman Chris Smith have been in cor-  
respondence with the NIH regarding the cur-  
rent status of medical therapies and clinical  
research using adult and embryonic stem  
cells.

How the Department has allowed this mat-  
ter to drag on for nearly two years defies ex-  
cuse or explanation.

On October 8, 2002, Chairman Smith and I  
sent a letter to Dr. Elias Zerhouni, Director  
of the National Institutes of Health (NIH),  
requesting "a detailed report" providing  
comprehensive information about the med-  
ical applications of adult and embryonic  
stem cells as well as stem cells from cloned  
embryos and aborted fetuses.

After almost a year had passed, Sub-  
committee records indicate that on August  
4, 2003, Subcommittee staff inquired into the  
status of the requested report and were told  
that the letter had been in the office of the  
Assistant Secretary for Legislation (ASL)  
"for some months" and would be out "in a  
few weeks."

On October 14, 2003, Subcommittee staff  
again inquired into the status of the report  
and were assured that although "... the let-  
ter is in final draft and is going through the  
clearance process now."

The written inquiries on the status of this  
report are recorded below. There were also  
numerous telephone conversations that are  
unrecorded here. The dates of correspond-  
ence from the Subcommittee to HHS regard-  
ing our October 8, 2002, letter are as follows:

August 4, 2003; October 14, 2003; October 27,  
2003; November 19, 2003; February 10, 2004;  
March 25, 2004; April 20, 2004; June 17, 2004.

After repeated inquiries about the status  
of the report by email, I sent a formal, writ-  
ten letter to you, Mr. Secretary, on April 20,  
2004.

Remarkably, there was no answer to the  
April 20 letter.

After waiting several weeks for acknowl-  
edgement, on June 17, 2004, Chairman Tom

Davis of the House Government Reform  
Committee and I sent another letter commu-  
nicating our concern about a number of out-  
standing correspondence and document re-  
quests.

On June 18, 2004, the Subcommittee re-  
ceived a letter signed by Dr. James Battey,  
Director of the National Institutes on Deaf-  
ness and Other Communication Disorders  
(NIDCD) and Director of the Stem Cell Task  
Force, responding to our request for informa-  
tion regarding stem cell therapies.

However, the letter we received did not re-  
spond to the plain meaning of our request on  
October 8, 2002. Instead of a thorough re-  
sponse, it represented only a sampling of the  
information we requested. Through subse-  
quent phone and email conversations within  
hours of receiving the response, Sub-  
committee staff communicated disappoint-  
ment regarding the quality and depth of the  
letter we received and asked that the re-  
sponse be revised and completed by June 30,  
2004.

In lieu of sending a revised document, at  
the close of the day on June 30, an HHS De-  
puty Assistant Secretary requested a meeting  
with members of the Subcommittee staff to  
"discuss the response on adult stem cells and  
how [NIH] may be able to better respond to  
your inquiries here."

At this meeting on July 2, Subcommittee  
staff communicated our frustration about the  
delay in receiving a response from the  
Department as well as our disappointment  
regarding the quality of the letter. In order  
to assist the Department in responding to  
the Subcommittee's inquiry, I have included  
a summary of the meeting that took place,  
along with an outline of our agreement  
about the nature of a forthcoming, revised  
report in response to our October 8, 2002 writ-  
ten request.

The original letter, dated October 8, 2002  
requested (italics added):

"a *comprehensive* listing of *all* medical  
therapies" which utilize various types of  
stem cells,

"a listing of *all* ongoing clinical trials or  
experiments involving human subjects using  
these same categories of stem cells,

"the findings of any studies that utilized  
stem cells or tissues from embryos or fetuses  
to treat human patients from Parkinson's  
disease and juvenile diabetes," and

"a listing of alternatives to stem cells  
from embryos and fetuses that have shown  
promise in human subjects for treating juve-  
nile diabetes, Alzheimer's, and Parkinson's  
disease."

In response to our letter, the NIH stated  
that there are no treatments or ongoing clin-  
ical trials utilizing embryonic stem cells or  
stem cells from cloned embryos or aborted  
fetuses. The NIH letter also reported the ad-  
verse effects resulting from the two known  
clinical trials using fetal tissue transplan-  
tation to treat Parkinson's disease.

However, instead of a comprehensive list-  
ing of all medical therapies and a listing of  
all ongoing clinical trials in which human  
patients were being treated with adult stem  
cell therapies, NIH included a sampling of  
the work ongoing at some NIH Institutes and  
a listing of NIH-funded clinical trials.

That is not what was requested.

The Subcommittee identified several obvi-  
ous omissions in Dr. Battey's letter.

(1) From the NIH website  
www.clinicaltrials.gov, in the NIH National  
Library of Medicine Medline database, and in  
the popular press, Subcommittee staff iden-  
tified extramurally funded clinical trials and  
clinical research involving human patients  
which were not included in the NIH letter,  
including some that began as early as 1999  
and should have been available to Dr. Battey  
prior to his submission of the letter to the

ASL office in November 2002. A selection of  
extramurally funded clinical trials not in-  
cluded in the NIH letter are listed below:

Sponsor: Baylor College of Medicine; Stem  
Cell Transplant to Treat Patients with Sys-  
temic Sclerosis; Phase I H7157; Study start  
date: June 1999; Date last reviewed: March  
2004.

Sponsor: Texas Heart Institute, Houston,  
Texas; Transendocardial, Autologous Bone  
Marrow Cell Transplantation for Severe,  
Chronic Ischemic Heart Failure, announced  
in media April 16, 2004;  
www.genomenetwork.org/articles/2004/04/  
16/stem\_cell\_trial.php; Circulation. 2003  
May 13;107(18):2294-302.

Sponsor: Caritas St. Elizabeth's Medical  
Center of Boston; Stem Cell Study for Pa-  
tients with Heart Disease 00165; Study start  
date: January 2004; Date last reviewed: April  
2004.

Sponsor: Bioheart, Inc.; Autologous Cul-  
tured Myoblasts (BioWhittaker) Trans-  
planted via Myocardial Injection; Phase I  
BMI-US-01-001; Study start date: June 2003;  
Date last reviewed: December 2003.

Sponsor: Bioheart, Inc.; MYOHEART™  
(Myogenesis Heart Efficiency and Regenera-  
tion Trial); Phase I BMI-US-01-002; Study  
start date: February 2003; Date last reviewed:  
December 2003.

In response, Dr. Battey maintained that  
the intent of NIH was to provide a com-  
prehensive listing of work funded by NIH,  
but not by universities or pharmaceutical  
companies, citing the difficulty of enforcing  
compliance with a law (PL105-115, signed No-  
vember, 1997) mandating that privately fund-  
ed trials also be listed on the  
www.clinicaltrials.gov website.

Nonetheless, Subcommittee staff were also  
able to identify several intramurally funded  
clinical trials at www.clinicaltrials.gov, in  
which human patients are being treated with  
adult stem cell therapies, which, astonish-  
ingly, were not included in the NIH response:

NIAMS (National Institute of Arthritis and  
Musculoskeletal and Skin Diseases);  
Autologous Stem Cell Transplant for Sys-  
temic Sclerosis; Phase I N01 AR-9-2239;  
Study start date: July 2002; Date last re-  
viewed: March 2004.

NINDS (National Institute of Neurological  
Disorders and Stroke); Investigating Endo-  
thelial Precursor Cells 03-N-0269; Study start  
date: August 1, 2003; Date last reviewed: Au-  
gust 1, 2003.

NHLBI (National Heart, Lung, and Blood  
Institute); The Effect of Exercise on Stem  
Cell Mobilization and Heart Function in Pa-  
tients Undergoing Cardiac Rehabilitation 03-  
H-0086; Study start date: January 28, 2003;  
Date last reviewed: December 5, 2003.

Stem Cell Mobilization to Treat Chest  
Pain and Shortness of Breath in Patients  
with Coronary Artery Disease 02-H-0264;  
Study start date: August 6, 2002; Date last re-  
viewed: July 17, 2003.

NIDCR (National Institute of Dental and  
Craniofacial Research); Bone Regeneration  
Using Stromal Cells 94-D-0188; Study start  
date: August 3, 1994; Date last reviewed: June  
4, 2003.

(2) The Subcommittee also identified sev-  
eral reports of clinical research not yet in  
clinical trials that were also missing from  
the report. Some of these studies, reported in  
peer-reviewed journals and in the public  
media are listed below:

• Preliminary clinical research using adult  
skeletal myoblasts to repair injured heart  
muscle:

Pagani, et al, 2003. Autologous skeletal  
myoblasts transplanted to ischemia-dam-  
aged myocardium in humans. Histological  
analysis of cell survival and differentiation.  
J Am Coll Cardiol. Mar 5; 41(5):879-88.

Hagege, et al, 2003. Viability and differen-  
tiation of autologous skeletal myoblast grafts

in ischaemic cardiomyopathy. *Lancet*. Feb 8; 361(1956):491-2.

Menasche, et al, 2003. Autologous skeletal myoblast transplantation for severe postinfarction left ventricular dysfunction. *J Am Coll Cardiol*. Apr 2; 41(7):1078-83.

• Autologous bone marrow or blood cells transplanted into human heart:

Dr. Cindy Grines at Beaumont Hospital, Royal Oak, Michigan: [http://www.cnn.com/2003/HEALTH/conditions/03/06/teen.heart.ap/http://www.sctline.com/info/english\\_viewarticle.asp?id=1966](http://www.cnn.com/2003/HEALTH/conditions/03/06/teen.heart.ap/http://www.sctline.com/info/english_viewarticle.asp?id=1966).

Assmus et al, 2002. Transplantation of Progenitor Cells and Regeneration Enhancement in Acute Myocardial Infarction (TOPCARE-AMI). *Circulation*. 2002 Dec 10; 106(24):3009-17.

Dober et al, 2004. Transplantation of progenitor cells after reperfused acute myocardial infarction: evaluation of perfusion and myocardial viability with FDG-PET and thallium SPECT. *Eur J. Nucl Med Mol Imaging*. 2004 Apr 3 [Epub ahead of print]

(3) Included in the response from NIH was an enclosure from the National Bone Marrow Donor Program entitled "Diseases Treatable by Stem Cell Transplantation," dated 2002. However, this list contained only blood disorders, autoimmune diseases, and related cancers treatable with hematopoietic stem cells. The letter did not include a more updated, comprehensive listing of additional diseases treated with hematopoietic or other adult stem cell types.

When questioned about these omissions, Dr. Battey conceded that the report was not comprehensive. The wide range of information missing from the NIH response to our October 8, 2002 letter demonstrates the need for NIH to review responses to ensure that Congress receives accurate and thorough information in response to its requests.

Dr. Battey also indicated that he had made a decision when responding to the letter to include only NIH information that would be difficult for Congress to obtain through publicly accessible sources.

However, Subcommittee staff reiterated to HHS staff at the meeting that our request for a comprehensive document remained unchanged and unfulfilled.

In response to Subcommittee documentation of the inadequacy and omissions of the NIH response, Dr. Battey apologized.

Dr. Battey agreed he and his colleagues would assemble a comprehensive report as requested on October 8, 2002. Subcommittee staff agreed to give a time extension to the \$27 billion agency.

Dr. Battey and Subcommittee staff agreed that the revised report would:

(1) be comprehensive in scope as originally requested, including both NIH funded research as well as privately funded research in the public domain, including studies abroad,

(2) be in a format that is easily accessible and searchable,

(3) include anecdotal reports of clinical research when these reports appear substantive and likely to lead to future clinical research and/or clinical trials, and

(4) include only minimal analysis necessary for translating the factual components of the report into lay terms.

The Subcommittee staff and the Department also agreed that an iterative response would be provided to Senator Brownback in advance of his July 14, 2004, hearing on adult stem cell research.

Subcommittee staff emphasized that this report will be an invaluable resource as Congress seeks to make policy decisions and educate the public based on accurate and in-depth scientific data rather than the often-misleading information that is readily available from the news media and lobbying groups.

I appreciate your attention to this matter and your assurances that the Department will be more responsive to matters of Congressional oversight. This, as you know, is not a peripheral issue of concern only to a small number of people. I would think, on an issue of this magnitude, that HHS would have wanted to have this report available in response not only to Congress but for the President and others to whom such information might be important.

It is my hope that as members of Congress and their staff continue to face critical and complex science policy issues they will be able to draw on accurate, thorough, timely, and up-to-date information from the Department of Health and Human Services.

Sincerely,

MARK E. SOUDER,  
*Chairman, Subcommittee on Criminal Justice,  
Drug Policy, and Human Resources.*

AUGUST 31, 2004.

Hon. ELIAS A. ZERHOUNI, M.D.,  
*Director, National Institutes of Health, Bethesda, MD.*

DEAR DR. ZERHOUNI: Chairman Bill Young of the House Appropriations Committee and Chairman Ralph Regula of the Labor, HHS, Education Subcommittee have urged members of the House of Representatives to contact you with questions regarding specific research projects funded by the National Institutes of Health (NIH).

On October 8, 2002, Congressman Chris Smith and I requested "a detailed report" providing comprehensive information about the medical applications of adult and embryonic stem cells as well as stem cells from cloned embryos and aborted fetuses.

On June 17, 2004, Chairman Tom Davis and I sent another letter inquiring about the status of the report. The following day, the Subcommittee received a response signed by Dr. James Battey, Director of the National Institutes of Deafness and Other Communication Disorders (NIDCD) and Director of the Stem Cell Task Force.

The letter we received, however, did not fully answer the questions we had posed. At a meeting on July 2 between Subcommittee staff and NIH staff, Dr. Battey agreed that he and his colleagues would assemble a comprehensive report as originally requested. The Subcommittee sent a letter to Secretary of Health and Human Services Tommy Thompson re-iterating this commitment on July 9, 2004.

Since our meeting, researchers in Germany have successfully utilized adult stem cells to reconstruct a man's jawbone. The case, reported in *The Lancet*, involved a 56-year-old man who lost a substantial portion of his jawbone, also called the mandible, during cancer surgery. After nine years of eating only soft food and soup, the patient is now able to enjoy his first dinner in nearly a decade. Our understanding is that Dr. Pamela Gehron Robey is doing similar research at the National Institute of Dental and Craniofacial Research.

Another study conducted at the Northwestern University in Chicago reported in the journal *Arthritis & Rheumatism* found that transplanting adult stem cells from a healthy woman to her sister with severe rheumatoid arthritis apparently cured the disease, researchers report.

Still there have been no cure, treatments, clinical trials or published studies reported utilizing stem cells derived from human embryos or clones.

I look forward to a response regarding the status of this stem cell report prior to consideration of the Labor/HHS/Education ap-

propriations for fiscal year 2005 by the House of Representatives.

Sincerely,

MARK E. SOUDER,  
*Chairman, Subcommittee on Criminal Justice, Drug Policy and Human Resources.*

Ms. BORDALLO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first I want to thank the gentleman from Texas (Chairman BARTON), the gentleman from Ohio (Mr. REGULA), the gentleman from Wisconsin (Mr. OBEY) and the ranking member, the gentleman from Michigan (Mr. DINGELL), for their willingness to work with the Delegates to address the disparities contributed to by the Medicaid caps on our territories.

I also want to thank the gentleman from California (Mr. HONDA) for his support and all of the others in Congress who have talked to me about supporting this issue. I think it is very important to me and all of the other Delegates from the Territories that these gentlemen have made a commitment to work with us in the future. I certainly am very willing to sit down and work with them.

Mr. Chairman, this has been an issue with the Territories for the last 20 years. We have been bringing it before Congress, all to no avail. I am sure, with the assistance of all these fine gentlemen, we will be able to work out some solutions.

I also want to thank the gentleman from California (Chairman POMBO) for signing off on this amendment.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). Is there objection to the request of the gentlewoman from Guam?

There was no objection.

AMENDMENT OFFERED BY MR. HAYWORTH

Mr. HAYWORTH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HAYWORTH:

At the end of the bill, before the short title, insert the following new section:

SEC. \_\_\_\_\_. None of the funds appropriated by this Act may be used by the Commissioner of Social Security or the Social Security Administration to pay the compensation of employees of the Social Security Administration to administer Social Security benefit payments under a totalization agreement with Mexico which would not otherwise be payable but for such agreement.

CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Arizona (Mr. HAYWORTH) and a Member opposed each will control 15 minutes.

The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH).

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I recognize the broad scope of this bill and how difficult it is to meet the challenges of funding on all the important programs.

Let me take time to commend the chairman of the subcommittee and his expert and able staff.

Mr. Chairman, I rise today to offer an amendment regarding the Social Security totalization agreement signed on June 29 by the Social Security Commissioner and her Mexican counterpart. Totalization agreements are bilateral agreements between the United States and another country to coordinate Social Security programs. Essentially, a totalization agreement eliminates the need to pay Social Security taxes in both countries when U.S. companies send workers to the other country and vice versa and it protects benefit eligibilities for workers who divide their careers between the two countries.

In a general concept, totalization agreements are desirable, but I would ask my colleagues to carefully review what is at stake in this recent decision and agreement involving Mexico.

By every account, Mr. Chairman, unfortunately, the Social Security Administration tried to slip Mexico totalization under the radar without coming to Congress, as the Social Security Administration had promised. This is a problem; and, therefore, it requires a response from this House.

I personally met with Social Security Commissioner Barnhart. I believe she is very capable and, on balance, has done a fine job. But following our discussions, I continue to believe that serious problems remain with this totalization agreement with Mexico.

The principal problem with the agreement is that our Social Security Administration assumes that only 50,000, only 50,000, Mexican workers will apply for Social Security benefits. But with estimates of over 4 million Mexican workers here illegally, I think the number in fact will be significantly higher.

To be clear, Mr. Chairman, this is not an immigration issue. This is a Social Security solvency issue; and if a mere 25 percent above that estimate of 50,000 apply, and I will do the math for you, that would mean 60,000 people actually take up benefits, the GAO has found it will be a financially significant drain on the trust fund.

Now, for purposes of full disclosure, obviously not every Mexican national working here illegally will suddenly qualify for Social Security. We passed and the President signed into law H.R. 743, the Social Security Protection Act, which keeps many illegal workers from assessing benefits. But, Mr. Chairman, a significant new population, perhaps hundreds of thousands, would have access to Social Security under this Mexico totalization agreement.

Specifically, it would be three groups: number one, workers who were illegal at one time, such as those with temporary work visas, who have fallen into illegal worker status by overstaying their visas; number two, the dependents of these once legal workers; and, number three, these Mexican

workers who have worked more than six quarters in the United States and less than 40.

The 50,000 estimate that Social Security assumes will take advantage of these benefits are Mexicans working legally in the United States, and it does not account for these three groups I have detailed.

Now, to give an idea of how large a group are unaccounted for here, according to Citizenship and Immigration Services' most recent data in 2002, 166,000 Mexicans changed their status to permanent resident from a variety of other classifications, for example, visitor, temporary worker, no status, et cetera. Again, Mr. Chairman, that is 166,000 in 1 year.

The Social Security Administration assumes only 50,000 are here, when three times that received permanent resident status in 2002 alone; and that 50,000 will only grow at the rate of general population growth when hundreds of thousands more will move in and out of legal status each and every year. To assume that hundreds of thousands of these workers would pass up benefits is unrealistic.

Mr. Chairman, let me make this very clear. If only fully legal workers were to collect benefits under this totalization plan, I would not oppose it. But, Mr. Chairman, I have serious doubts that this would be the case.

The Social Security trust fund will begin spending more than it receives in the year 2018. In 2042, the trust fund will have spent up the surpluses it has built up. It will be totally bankrupt. Opening the floodgates to hundreds of thousands of illegal workers can only hasten the coming funding crisis facing Social Security.

I urge support for this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHAW. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Florida (Mr. SHAW) is recognized for 15 minutes in opposition to the amendment.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Social Security so-called totalization agreements permit the United States and another country to coordinate their Social Security programs. The Social Security Administration has totalization agreements in force with 20 countries, including Canada, Australia, and most of Western Europe.

Totalization agreements help American workers and American business. These agreements prevent the Americans working overseas for United States companies from having to pay two Social Security systems. As a result, American workers and their companies save approximately \$800 million annually in foreign Social Security taxes. Totalization agreements also protect benefits for workers who divide their careers between two countries.

In June, the Commissioner of Social Security and Director General of the

Mexican Social Security Institute signed a totalization agreement. Now, what does that mean? This agreement has not been approved. The signing of the agreement is the first step in the approval process. The State Department and the White House must review the agreement in order to determine whether the agreement should be sent to Congress for approval. We have no idea at this time whether it will even be sent to us for approval.

Congress has the final say. Should the President send a proposed totalization agreement with Mexico to Congress for approval, Congress has 60 legislative days during which either the House or the Senate are in session to consider the agreement and to disapprove it, if necessary.

It is imperative that we follow through with the vetting process established in the law, not circumvent it through appropriation legislation. Why? Because there is much concern, confusion, and misinformation about a United States Mexican totalization agreement. We need to hear all the facts. We do not need to rush to judgment. We need regular order.

For example, there are a number of advantages in a totalization agreement with Mexico. First, an agreement would save about 3,000 United States workers and their employers about \$140 million in Mexican Social Security taxes over the next 5 years. Second, Mexico is the second largest trading partner, and a totalization agreement with Mexico would be consistent with one of the goals of the North American Free Trade Agreement, to strengthen cooperation and friendship. Lastly, Social Security's official scorekeepers estimate a U.S.-Mexican agreement would have a negligible impact on Social Security long-term financing. The 5-year cost to the U.S. Social Security system has now been estimated at about \$525 million. That is over a 5-year period.

Contrary to what many believe, a totalization agreement would not change current law prohibiting payment to persons living illegally in the United States. Also a totalization agreement would not create a substantial enticement for Mexican citizens to work illegally in the United States. That is because the recently enacted Social Security Protection Act of 2004 strengthened the law to prevent those who only worked illegally from receiving benefits.

While there are potential advantages to a totalization agreement with Mexico, there are also concerns, and we concede that. For example, Social Security official scorekeepers have stated there is considerable uncertainty involved in their estimates. It could be higher; it could be lower. In addition, there are concerns about the potential for fraudulent receipt of benefits and the integrity of the Mexican records.

There are also some issues relating to a potential United States-Mexican totalization agreement that raise serious questions about the impact of the



agreement on Social Security financials and drives the need for a full and fair vetting through public hearings held by the committee of jurisdiction, the Committee on Ways and Means Subcommittee on Social Security, which I chair.

□ 1715

Only if we allow the vetting process to continue as designated rather than obstructed will the Congress and the American people be assured whether a totalization agreement with Mexico is in the best interests of our Nation's workers and those who depend upon those benefits.

For this reason I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. HAYWORTH. Mr. Chairman, I yield myself such time as I may consume.

I listened with interest to the comments of my subcommittee Chair, and I think it is worth noting in this debate, if there could be guarantees that a resolution of disapproval would be allowed to come to the floor, and one of my friends, the gentleman from Georgia (Mr. COLLINS) has drafted it, there would be no need for this amendment, and we could withdraw it. We have made that clear. But that guarantee has not been forthcoming. Therefore, the appropriations process is our opportunity for a floor vote.

Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I chaired the bipartisan Social Security Task Force, and we talked about this so-called totalization, which is pretty much a reciprocal effort between countries to earn and get payments for retirement benefits, for three reasons. One is the oversight of Congress would result in maybe 60 days delay, but not a real opportunity to turn this around. I support the amendment, but because I think we need sort of a cooling off period of at least a year to look at the consequences, a couple of consequences.

One is the solvency of Social Security. So as we look at the potential cost to Social Security, the actuaries are already estimating that Social Security is going to be insolvent by 2018, this provision lowers the date of insolvency because of the cost. Let me just quote what the Social Security Administration estimates. Number 1, it is going to cost approximately \$105 million per year over the first 5 years, like the chairman suggested; but, further, the GAO found that a lack of consideration to the estimated millions of current and former unauthorized workers and family members from Mexico who are already residing in the United States who could qualify under various amnesty and guest worker proposals make the cost of such an agreement highly uncertain and could have a measurable impact on the long-range

actuarial balance of the trust fund. This is what the GAO said.

So the potential benefits are to 3,000 workers in Mexico, American workers, and what we are looking at is potentially millions of Mexican workers in the United States.

Now, there is a huge difference in the totalization agreements that we have with Europe. The differences, I think, are substantial in two ways. Number 1, in addition to the vastly greater number of new beneficiaries claiming claims to this entitlement from under the Mexican agreement, the other nations, mostly in Europe, that we have these reciprocal agreements with involve a relatively small or few number of people, and there is closer economic parity. So because of the wage differences between Mexico and the United States, it could be very costly to the Social Security system.

I just suggest to my colleagues that as Social Security looks at a \$12 trillion unfunded liability, to add these potential large costs to Social Security without thoroughly examining the consequences of what it is going to do to our solvency of our system in the United States, without the kind of changes that we need in Social Security, should be put off for a year.

Mr. SHAW. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a valuable member of the Committee on Ways and Means.

Mr. WELLER. Mr. Chairman, I rise in support of the position taken by the chairman of the Subcommittee on Social Security, the gentleman from Florida (Mr. SHAW), in opposition to an amendment offered by my longtime friend and respected seatmate of 10 years, who I disagree with on his amendment, in a respectful way.

Let me ask, I think, three important questions. One, why are we having this vote, which is essentially putting the cart before the horse? Why are we singling out Mexico, our next-door neighbor, number 2 trading partner, and friend? And, three, why is there an effort to essentially vent our frustration over illegal immigration on a potential agreement with our friend, Mexico?

That is why I think it is important for us to be very careful on this amendment, because we have Social Security totalization agreements with 7 out of 10 of our biggest trading partners. Mexico is our second largest trading partner. We have thousands of American workers working in Mexico who right now are in a situation where they are forced to pay two sets of Social Security taxes. A totalization agreement would be of great benefit to American workers working in Mexico, as well as their American employers who may be employing them. In fact, they say they could save up to \$140 million in additional taxes that workers and American companies would suffer unless we have a totalization agreement.

Now, the issue of putting the cart before the horse. Under the procedure for a totalization agreement, the total-

ization agreement, when it is finalized, because it is not yet finalized; it still has to be signed off on by the State Department and the White House before it would be considered a final agreement, and then it would have to come to Congress where we could have an up-or-down vote on whether or not to accept it. That is where Congress comes in with our role. Again, this vote here today is putting the cart before the horse, and Congress does truly have the final say.

Mr. Chairman, I pointed out earlier that Mexico is our second largest trading partner. It is a longtime friend, a fellow democracy, and I do not believe it should be singled out when our other friends, Canada, Australia, most of Western Europe, have concluded totalization agreements that have been in place now for, in many cases, two decades, protecting American workers from double taxation.

I would also, when it comes to the issue of illegal immigration, because we realize that is an issue that is hanging over this vote today, and this should not be a vehicle to vent that frustration, it should not be a vehicle, because this actually helps American citizens.

A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. I think it is important to note that. Let me say that one more time. A totalization agreement would not change current law prohibiting payment of benefits to persons living illegally in the United States. Second, a totalization agreement would not create an enticement for Mexican illegal immigrants to come here.

The bottom line is just vote no on this amendment, let us move on, consider it next year when it is brought up to us through regular order.

Mr. HAYWORTH. Mr. Chairman, I would note again for my friend from Illinois this is not an immigration issue, it is a solvency of Social Security issue.

Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. GOODE).

Mr. GOODE. Mr. Chairman, I salute the gentleman from Arizona for having the courage to address this issue.

Totalization with Mexico will harm the Social Security Trust Fund. It will be a major drain on this fund. They talk about 20 countries that we have a totalization agreement with. None of them have 5 million illegal workers in the country like Mexico does.

We are better off to stop this snake here and now, cut off its head. Some say wait, let it get bigger. Let it bite us again. I say no. Cut off its head today by stopping the funding.

If we grant an amnesty, and there are plenty of amnesty bills floating around, those illegals will be legal, and we will have a huge drain on the Social Security fund.

I want to stand with the seniors in this country. I want to protect Social

Security for United States citizens, and I want to preserve it for future generations, not drain it by allowing Mexico and illegals to get in it and suck a big truckload of money out of it.

Stand up for Social Security and vote yes with the gentleman from Arizona (Mr. HAYWORTH).

Mr. SHAW. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from California (Mr. BECERRA), a very valued member of the Committee on Ways and Means.

Mr. BECERRA. Mr. Chairman, I thank the chairman for yielding me time on this measure.

Mr. Chairman, the gentleman from Arizona has offered an amendment that bars funding for an agreement that Congress has yet to consider, much less be approved.

This summer, the United States and Mexico signed a totalization agreement, an agreement that would coordinate retirement coverage for at least 3,000 American workers who divide their careers between America and Mexico. But this agreement is far from final. It must be approved by the State Department, then the White House, and then sent to Congress where the committee of jurisdiction, the Subcommittee on Social Security, which is part of the full Committee on Ways and Means, will carefully review it.

This amendment is premature and tramples upon the deliberative process at the heart of our committee system. So I oppose this amendment on jurisdictional grounds, but I would also like to speak for a minute on some of the other statements that are being made by those who support this amendment.

First, the United States is currently a partner in 20 totalization agreements, with countries ranging from Canada to South Korea. Totalization is not a new concept. In fact, currently we are saving American workers and their employees about \$800 million from double taxation that would otherwise occur. An agreement with Mexico will mean that the U.S. has totalization agreements with 8 of our top 10 trading partners.

Secondly, totalization agreements have no impact on immigration law. Today it is illegal for Social Security to pay benefits to undocumented immigrants. Totalization will not change that.

Finally, totalization will not bankrupt the Social Security Trust Funds. In the long term, Social Security estimates that the impact to the trust funds will be negligible. In the short term, costs will approximate \$105 million per year for the first 5 years. In comparison, in the last year with Canada, that totalization agreement with Canada cost \$197 million.

Whatever your beliefs are on the merits of such an agreement, we need to debate the facts, not the rhetoric. Another reason why is our first consideration of this issue should be before the Committee on Ways and Means,

not as an amendment to an appropriations bill.

I urge Members to vote no on the Hayworth amendment.

Mr. HAYWORTH. Mr. Chairman, to further demonstrate that this issue transcends normal partisanship, I am pleased to yield 2 minutes to the gentleman from Oregon (Mr. DEFAZIO), my friend from the other side of the aisle.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time. I rise here in support of the Social Security system and concerns about its looming revenue shortfalls.

We heard from the esteemed chairman that this would only cost \$500 million over 5 years. Now, the GAO says that that is not at all an accurate estimate. In fact, they said, the actions the Bush administration "took to assess the integrity and compatibility of Mexico's Social Security system were limited and neither transparent nor well-documented. The administration provided no information showing it assessed the reliability of Mexican earnings data and the internal controls used to ensure the integrity of information that the Social Security Administration will rely on to pay Social Security benefits."

In other words, the agreement could be setting the stage for massive fraud.

Mr. Chairman, \$500 million is a lot of money around here. We have pitched battles over tens of thousands, hundreds of thousands, a few million, and to just dismiss this and say, well, \$500 million. And then the point that, well, the House has to approve it. Well, if this was going to come to the House for an up-or-down vote for certain, and if we had to approve it before it became binding for all time on the people of the United States and our Social Security system, that would be one thing. This is under an upside down, backwards procedure that says, we can only vote if we are allowed to vote on a resolution of disapproval. There is no guarantee that such a resolution will be brought forward and no way to guarantee that.

So the question becomes will we take something the GAO has assessed as being on faulty data, poorly negotiated, with low-ball estimates on the cost, and just hope that we get to vote on it before it becomes binding, before it costs Social Security perhaps \$1 billion over 5 years? We do not really know what it will cost. But with the looming shortfalls with Social Security, I do not believe we can take that risk.

We should go back to the drawing board. This should be done in a transparent manner. It should be done with good data. And then it should be brought forward with an assurance that we will get to vote up or down.

□ 1730

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would like to remind the previous speaker that when we are talking

about a shortfall of \$500 million over 5 years in the Social Security, we are saving American workers and American companies \$800 million a year.

Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Chairman, I thank the gentleman for yielding me time.

Mr. Chairman, the gentleman from Michigan (Mr. SMITH) a few moments ago said that the Social Security system would go insolvent in 2018. This is simply wrong. In 2018, the Social Security system will have to begin to pay benefits from the interest accumulated on the trust fund. Sometime in the later 2020s, the Social Security system will have to begin to dip into the principal of the trust fund. That will not be exhausted until at least 2042, according to the trustees, and according to the Congressional Research Service, 2050. There is no Social Security problem until at least 2042 or 2050.

Now, we are told that we have to start paying back the bonds. Social Security lent the money to the General Treasury; that is true, it did. That is how you invest money. You invest in U.S. bonds. That is not a problem with the Social Security system. It may be a problem for the budget, but the fact is the system is solvent. Those are legal due-and-owing obligations, exactly as legally binding as a U.S. savings bonds is to pay to my colleagues or me if we own a savings bond.

In 1983, Chairman Greenspan chaired a commission which recommended increasing Social Security taxes, which we did in 1986, to precisely generate the surplus which we will start dipping into when the baby boomers start retiring, and that is a surplus which we will start dipping into in 2018. To say that produces a crisis is to say that we lied to an entire generation of people when we increased the taxes in order to produce that surplus to dip into later. We will dip into that.

Mr. Greenspan, of course, says it was fine to reduce taxes on the rich; and because we did that, we have a budget deficit. We cannot repay the bonds; and therefore we should reduce benefits starting in 2018. That is simply thievery.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The gentleman from Arizona (Mr. HAYWORTH) has 3 minutes remaining. The gentleman from Florida (Mr. SHAW) has 2½ minutes remaining. The gentleman from Florida has the right to close.

Mr. HAYWORTH. Mr. Chairman, I yield 2 minutes to my friend, the gentleman from California (Mr. ROHRBACHER).

Mr. ROHRBACHER. Mr. Chairman, I rise in strong support of this amendment, and we need to take some time to take a look at what this totalization agreement is all about, and we need to make sure that the democratic process is brought to play when this becomes law or does not become law.

The fact is the totalization agreement that we are talking about would,

most likely, include illegal immigrants in our Social Security system. Let us make sure what that status is. If we have 5 million people from Mexico who come here and have been working illegally in our system, do we want to pay out Social Security to those illegal immigrants? We need to know the answers to that before we move forward.

Those who are against this amendment would put us in a situation where we might wake up 6 months down the road and this totalization agreement would be law and we would never have had a chance to vote on it. Social Security is too important for the American people, and the idea of making illegal immigrants eligible for Social Security is too important for us to let it just go by and possibly have this come into law without even a vote on the floor.

The American people ought to notice what is going on here today. We have seen health care in California go to hell. We have seen the school and education programs going to hell in California. We have seen our criminal justice going to hell, and now we want to take a risk with Social Security? People in California know that those illegal immigrants who are here, oh, yes, even if they are paying Social Security, they are taking that job away from an American citizen.

Our senior citizens do not believe that Social Security should be provided to illegal immigrants. It will cost the Social Security billions and billions of dollars when this folly is done, and it will bankrupt the system.

We need time to talk about it. We need time to get the calculations right. We know that in the past we have been given all sorts of statistics that have been wrong. Let us not gamble with Social Security. Let us watch out for our own people instead of illegal immigrants.

Mr. SHAW. Mr. Chairman, I yield myself such time as I may consume.

I would say to the previous speaker that this in no way provides for Social Security payments to illegal workers.

Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Chairman, I rise in opposition to the amendment of my friend from Arizona.

We have these totalization agreements with about 20 countries: Australia, Austria, Belgium, Canada, Ireland, Netherlands, Norway, Sweden, Switzerland, United Kingdom. But even though this agreement is not yet approved by the Congress, it will, under regular order, be considered by the Congress.

We are to then, under this amendment, outright reject by defunding an agreement with our neighbors to the south and Mexico, our largest trading partner? Why? I think it is incorrect; and I think that's unfortunate, perhaps unintentional, signals are being sent out by this amendment that we must be very wary of; and so it is important

to focus on the facts, as the gentleman from Florida (Mr. SHAW) has said.

The law is not changed by this totalization agreement. Social Security benefit accounts will not be paid to undocumented workers. That is the fact. That is the law. I oppose this amendment, with respect to my friend from Arizona.

Mr. HAYWORTH. Mr. Chairman, to close out advocacy on this amendment, I yield the remaining minute to my friend, the gentleman from Indiana (Mr. HOSTETTLER).

(Mr. HOSTETTLER asked and was given permission to revise and extend his remarks.)

Mr. HOSTETTLER. Mr. Chairman, I rise today in support of the Hayworth amendment.

As chairman of the Subcommittee on Immigration, Border Security, and Claims, I convened a hearing on this issue of totalization with Mexico on September 11, 2003.

As a result of the troubling testimony received at that hearing, I asked the GAO to conduct a study on the possible effects of such an agreement. I wanted to make sure that any totalization agreement with Mexico does not drain tens or hundreds of billions of dollars out of the Social Security trust fund by paying benefits to aliens who are illegally present and working in the United States while at the same time we are fighting to keep the fund solvent to ensure benefits for American workers.

Unfortunately, we know now that the Social Security Administration did not use an accurate actuarial basis for the proposed totalization agreement with Mexico. They did not account for the estimated millions of illegal aliens residing in this country, nor did they account for reported widespread fraud by these illegal workers using Social Security numbers belonging to others and "not for employment" numbers.

The system cannot tolerate the burden of paying out to possibly millions of illegal workers. Protect the Social Security system and vote for the Hayworth amendment.

Mr. SHAW. Mr. Chairman, I yield myself the remaining time.

There has been a lot said, and it is mostly about illegal immigrants, which has not a darn thing to do with the issue that is in front of us this evening.

It would be a mistake for anybody to come down here to the floor and vote for this amendment, thinking that there is some way that without doing this that this is going to support illegal immigration. It does not have anything to do with this.

This is a good deal for American workers. It is a good deal for American companies, and it is a good deal that the Congress oppose this particular legislation. Let the committee have a look at it. The committee is going to vet this thing. There is no question about it.

The gentleman from Michigan who spoke earlier in the debate talked

about how, if the Congress changes this and that, that then all of the sudden they are going to open the floodgates. I am sorry, we cannot pass legislation or pass amendments based upon what we think the Congress might do. I am talking about what the law is, and this has a negligible effect upon the trust fund, and the Congress should look at it.

This issue is not before the Congress now. The timing is all wrong. The administration has to send this to the State Department and to the White House for approval, and then we have 60 legislative days in which to kill it, if that is what the Congress wants to; but we should look at it, and we should do it in regular order. We should not be doing it by trying to tie the hands of the government from enforcing something that has not even happened yet. That is just plain malarkey.

Vote "no" on this amendment, and let the regular process go forward. It has nothing to do with illegal workers receiving Social Security benefits.

Mr. JOHNSON of Texas. Mr. Chairman, I rise in support of the Hayworth Amendment.

I want to prevent the Social Security totalization agreement with Mexico from moving forward because it is a bad deal for Americans who rely on Social Security now and in the future.

Since rumors first circulated that this agreement might be in the works, I have told the negotiators that it is a bad idea.

Despite having met with me privately on this issue and heard my concerns, Social Security Commissioner Barnhart signed this agreement anyway.

This agreement with Mexico is completely different in scope from our other totalization agreements. Primarily, we have an illegal immigration problem with Mexico that we don't have with the other 19 countries. Coupled with the ill-considered immigration proposal from the Administration, this totalization agreement would wreck havoc on our already troubled Social Security system and is a recipe for disaster.

There is hardly another issue that unites my constituents more than in opposition to this totalization agreement with Mexico. I urge my colleagues to join me in supporting this amendment to prevent the agreement from moving forward.

The CHAIRMAN pro tempore. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. SHAW. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona (Mr. HAYWORTH) will be postponed.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBERSTAR:  
At the end of the bill (before the short title), insert the following:

**TITLE ADDITIONAL GENERAL PROVISIONS**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES PROGRAMS FOR PATIENTS WITH FATAL CHRONIC ILLNESSES**

(a) **ESTABLISHMENT OF PROGRAMS**—The Secretary of Health and Human Services shall carry out research, demonstration, and education programs with respect to fatal chronic illness through the Public Health Service.

(b) **STUDIES ON END-OF-LIFE CARE**—The Secretary shall conduct studies on end-of-life care through all relevant agencies and through the Assistant Secretary for Planning and Evaluation. Such studies shall include an examination of the development of practice parameters applicable to such care as well as research regarding such care. Such studies shall also include an annual report from the Secretary to the appropriate committees for oversight in Congress and to the Special Committee on Aging in the Senate on service delivery and quality of life for persons living through fatal chronic illness and their families and professional caregivers.

(c) **HEALTH RESOURCES AND SERVICES ADMINISTRATION**—

(1) **IN GENERAL**—In carrying out subsection (a), the Secretary, acting through the Administrator of the Health Resources and Services Administration, shall carry out research, demonstration, and education programs toward improving the delivery of appropriate health and support services for patients with fatal chronic illnesses.

(2) **HEALTH CENTERS**—As determined appropriate by the Secretary, paragraph (1) may be carried out through the program under section 330 of the Public Health Service Act (relating to community and migrant health centers and health centers regarding homeless individuals and residents of public housing), including by designating individuals with fatal chronic illnesses as medically underserved populations.

(3) **CAREGIVERS**—Programs under paragraph (1) shall include activities regarding appropriate support services for caregivers for patients with fatal chronic illnesses, including respite care.

(4) **HEALTH PROFESSIONS TRAINING**—Programs under paragraph (1) shall include making awards of grants or contracts to public and nonprofit private entities for the purpose of training health professionals, including students attending health professions schools, in the care of patients with fatal chronic illnesses. Such training shall include training in the provision of appropriate palliative care and appropriate referral to hospices, and training provided as continuing education.

(5) **INITIATIVE**—Programs under paragraph (1) shall include an initiative to coordinate innovation, evaluation, and service delivery relating to fatal chronic illnesses.

(d) **AGENCY FOR HEALTHCARE RESEARCH AND QUALITY**—

(1) **IN GENERAL**—In carrying out section 912(c) of the Public Health Service Act, the Secretary, acting through the Director of the Agency for Healthcare Research and Quality, shall, with respect to patients with fatal chronic illnesses—

(A) identify the causes of preventable health care errors and patient injury in health care delivery, including errors of inadequate mobilization of services to the home, inadequate continuity of caregivers, inadequate symptom prevention, manage-

ment, and relief, or inadequate advance care planning;

(B) develop, demonstrate, and evaluate strategies for reliable performance of the care system, including reducing errors and improving patient safety and health outcomes; and

(C) disseminate such effective strategies throughout the health care industry.

(2) **GRANTS**—In carrying out paragraph (1)(A), the Secretary shall make grants for the purpose of developing reliable and current data and insight as to the merits and efficiencies of various strategies for providing health care, including palliative and hospice care, and social services for patients with fatal chronic illnesses.

(e) **CENTERS FOR DISEASE CONTROL AND PREVENTION**—The Director of the Centers for Disease Control and Prevention shall expand activities with respect to epidemiology and public health in fatal chronic illness. Such activities may include contracting with the Institute of Medicine or another national interest non-profit organization to provide a review of the status of care for the end of life, which review shall be included by the Secretary in the annual reports to Congress under subsection (h).

(f) **NATIONAL INSTITUTES OF HEALTH**—

(1) **EXPANSION OF ACTIVITIES**—The Director of the National Institutes of Health (in this subsection referred to as the Director) shall expand, intensify, and coordinate the activities of the National Institutes of Health with respect to research on fatal chronic illness. Such activities shall include programs, requests for proposals, study section membership, advisory council membership, and training programs to support rapid and substantial improvements in understanding—

(A) mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life; and

(B) human resource, service delivery arrangements, technology, and financing that would be most useful in ensuring comfort and dignity for individuals with fatal chronic illness, and in relieving the burden for family and professional caregivers.

(2) **ADMINISTRATION**—the Director shall carry out this subsection acting through the Directors of every Institute within the National Institutes of Health that has at least one fatal chronic illness in its purview.

(3) **COLLABORATION**—In carrying out this subsection, the Director of the National Institutes of Health shall collaborate with the Department of Veterans Affairs, the Agency for Healthcare Research and Quality, and any other agency that the Director determines appropriate. The Secretary of Veterans Affairs and the Director of the Agency for Healthcare Research and Quality shall assist in such collaboration.

(4) **RESPONSIBILITIES OF INSTITUTES**—Each Institute with the National Institutes of Health that has fatal chronic illness in its purview shall establish a plan for improving understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to end of life.

Since most Americans now die of chronic heart or lung failure, cancer, stroke, dementia, or multifactorial frailty, each such institute shall develop and implement a strategic plan and a set of projects that aim primarily to ensure that affected patients and their families can live through advanced illness and death comfortably and meaningfully.

(5) **CENTERS OF EXCELLENCE**—

(A) **IN GENERAL**—In carrying out paragraph (1), the Director shall make awards of grants and contracts to public or nonprofit private entities for the establishment and operation of centers of excellence to carry out re-

search, demonstration, and education programs regarding fatal chronic illness, including programs regarding palliative care.

(B) **DESIGNATION**—In carrying out this subsection, the Director shall designate at least 2 Claude D. Pepper Older Americans Independence Centers (supported by the National Institute on Aging), 2 program projects of the National Heart, Lung, and Blood Institute, and 2 comprehensive cancer centers (supported by the National Cancer Institute) to provide education and information support and research data and methods leadership for substantial and rapid improvements in the understanding of the mechanisms of disability and suffering in fatal chronic illness and the relief and management of that disability and suffering through to the end of life.

(C) **RESEARCH**—Each center established or operated under subparagraph (A) or designated under subparagraph (B) shall conduct basic and clinical research into fatal chronic illness.

(D) **CERTAIN ACTIVITIES**—The Secretary shall ensure that, with respect to the geographic area in which a center of excellence under subparagraph (A) is located, the activities of the center include—

(i) providing information and education regarding fatal chronic illness to health professionals and the public;

(ii) serving as a resource through which health professionals, and patients and their caregivers, can plan and coordinate the provision of health and support services regarding fatal chronic illness; and

(iii) providing training and support of implementation of quality improvement.

(g) **MEDICARE PILOT PROGRAMS FOR TREATMENT OF FATAL CHRONIC ILLNESSES**—

(1) **ESTABLISHMENT**—The Secretary, in all relevant parts of the Department of Health and Human Services, including the Centers for Medicare & Medicaid Services and the Office of the Assistant Secretary for Planning and Evaluation, shall provide for pilot programs under this subsection. The pilot programs shall be developed under a coordinated national effort in order to demonstrate innovative, effective means of delivering care to Medicare beneficiaries with fatal chronic illnesses under the Medicare program. The pilot programs shall be completed within 5 years after the date that funds are first appropriated under this subsection.

(2) **DESIGN**—The pilot programs under this subsection shall be designed to learn how—

(A) to effectively and efficiently deliver quality care to the fatally chronically ill;

(B) to provide and maintain continuity of care for the fatally chronically ill;

(C) to provide advance care planning to the fatally chronically ill;

(D) to determine what rate and strategies for payment are most appropriate;

(E) to deliver emergency care for the fatally chronically ill;

(F) to facilitate access to hospice care when the Medicare beneficiary becomes eligible for such care;

(G) to develop and estimate the effect of potential alternative severity criteria for eligibility of specially tailored programs;

(H) to test the effectiveness and costs of new strategies for family caregivers support;

(I) to implement a clinical services and payment program that uses thresholds of severity to define the onset of the need for comprehensive end-of-life services;

(J) to test the merits of using severity criteria (relating to fatal chronic illness) in determining eligibility for the Medicare hospice program, but only when use of such criteria expands access to hospice care to individuals who are not yet terminally ill (as that term is defined at section 1861(dd)(3)(A) of the Social Security Act); and

(K) to arrange financial incentives so that substantially diminished payments arise when care providers fail to ensure timely advance care planning, symptom prevention, management, and relief, or continuity of care across time and settings.

(3) CONDUCT OF PILOT PROGRAMS—The Secretary shall conduct pilot programs in at least 6 sites and in at least 3 States.

(4) REPORT TO CONGRESS—the Secretary shall submit to Congress a report on the pilot programs under this subsection. Such report shall include recommendations regarding whether the pilot programs should become a permanent part of the Medicare program.

(h) ANNUAL REPORTS—The Secretary, in consultation with the Secretary of Veterans Affairs and other appropriate Federal agencies, shall submit an annual report to Congress on end-of-life care on the research, demonstration, and education programs and studies conducted under this section. The Centers for Disease Control and Prevention shall be the lead agency for integrating and preparing the annual reports under this subsection unless the Secretary designates otherwise.

(i) DEFINITIONS—For purposes of this section:

(1) The term 'fatal chronic illness' means a disease (or diseases), condition (or conditions), or disorder (or disorders) that ordinarily worsens and causes death and that causes a physical or mental disability or periodic episodes of significant loss of functional capacity.

(2) The term 'Secretary' means the Secretary of Health and Human Services.

(j) AUTHORIZATION OF APPROPRIATIONS—There are authorized to be appropriated—

(1) such sums as may be necessary to carry out subsections (a), (b), (c), and (f);

(2) \$50,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c), excluding paragraph (5) of that subsection;

(3) \$100,000,000 for the 3-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (c)(5);

(4) \$20,000,000 for the 5-fiscal-year period (beginning with fiscal year 2004) to carry out subsection (d);

(5) to carry out subsection (g) for each of fiscal years 2003 through 2007—

(A) \$50,000,000 for the purposes of conducting evaluations of pilot programs; and

(B) \$50,000,000 for the purpose of providing clinical services under pilot programs; and

(6) \$500,000 for each fiscal year during the 5-fiscal-year period beginning with fiscal year 2004 to carry out subsection (h).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes on the amendment.

Mr. REGULA. Mr. Chairman, I just want to reserve a point of order. I understand that the plan is to withdraw the amendment.

The CHAIRMAN pro tempore. The gentleman from Ohio (Mr. REGULA) reserves a point of order on the amendment.

The gentleman from Minnesota (Mr. OBERSTAR) is recognized for 5 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thank the gentleman from Ohio (Chairman REGULA). I acknowledge that the point of order would lie against the amendment. I ap-

preciate the opportunity to discuss my amendment and then subsequently to withdraw that amendment.

The purpose of this amendment is to address an issue that few of us want to talk about, but which all of us are going to face in some way or another, and that is, end-of-life care. We are all getting there, and this amendment would do five things. It is derived from a bill I introduced last year that would do five things.

It would provide grants through NIH to train health care professionals in the care of patients with fatal, chronic illness. It would direct the NIH to expand and to intensify research on fatal, chronic illnesses. Three, it would establish pilot programs under Medicare to improve delivery of care and continuity of care for end-of-life considerations. Four, it would provide funds for advanced care planning; and, five, facilitate access to hospice care when that becomes necessary at the end-of-the-life decision.

Why is this an important issue? Well, frankly, it is an issue that my wife, Jean, and I have discussed around the dinner table. We have both lost spouses who succumbed at a very unusually and unanticipated age to cancer. We both attended to frail and disabled parents. We all have friends who have been in the same position. As the baby boom generation reaches older age, the number of people facing serious illness and death is going to double over the next 25 years.

Second, 28 percent of Medicare's budget over the last few years has been spent caring for the last few years, in many cases the last few months of life. Who are there to provide these services? These are family members. The value of the services that family caregivers provide in a sense for free is estimated in excess of \$250 billion a year.

Third, there are a number of professionals in the health care field who do not get training in the course of their medical education in palliative care, in end-of-life decision-making with families.

We need to do a better job of training our health care professionals. We need to do a better job of preparing families for end-of-life care decision-making.

We have to acknowledge that Americans are living longer. The fastest growing age group in our society is people over age 85. Half of them need some help with personal care. We should be doing a better job with our NIH resources to help families, to help health care professionals, to help patients themselves to deal with fatal, chronic illness, the end-of-life care decisions.

That is simply what this amendment would do, provide those resources. I take this opportunity to discuss the issue in this detail so that next year when we come back into session again, this bill will be reintroduced and will have an opportunity for a broader discussion and legislative action, to bring to the floor legislation that will be

meaningful, implement these recommendations and then be eligible for the funding that I requested and set forth in the legislation.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1745

AMENDMENT OFFERED BY MR. KING OF IOWA

Mr. KING of Iowa. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. THORNBERRY). The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KING of Iowa:

At the end of the bill (but before the short title), insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Iowa (Mr. KING) and a Member opposed each will control 5 minutes on the amendment.

The Chair recognizes the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer this amendment today to enforce existing Federal law that requires any State providing illegal aliens instate tuition discounts to provide these discounts to all students, regardless of State of residence. In other words, all legal students get no less tuition discount than illegal students.

That is existing law. But my amendment would not allow any Department of Education funds to be spent in violation of existing Federal law; namely, section 505 of the Illegal Immigration Reform and Responsibility Act of 1996. It simply seeks to enforce existing law.

There are approximately 12 States that have adopted a policy that they would give instate tuition breaks to illegal aliens as students, and yet students that might live within sight of the State border and not be residents of that State, would pay out-of-State tuition costs. That would then necessarily entail that citizens of the United States, people who lived in the neighborhood and in the region, would pay out-of-State tuition while illegal aliens would get instate tuition breaks. That would be in violation of this section of the 1996 Immigration Act, and I seek to tighten that up with this simple amendment that is consistent with current law.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise to claim the time in opposition, although I will not oppose the amendment.

It is my understanding this is a State issue, but that we are prepared to accept it because the Department of Education is in compliance. They are not doing anything to violate the section 505.

I do not think it is necessary we have this. It really is something the States deal with in the funding of their higher education programs. So under those circumstances, we are prepared to accept the amendment.

Mr. KING of Iowa. Mr. Chairman, I yield myself such time as I may consume to thank the gentleman, the chairman, for his cooperation on this issue.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to Congressman STEVE KING's amendment to the Labor-HHS-Education Appropriations bill, H.R. 5006. This amendment would prohibit any funds from being spent by the Department of Education in violation of Section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623)(IIRIRA). Section 505 of IIRIRA prohibits states from giving in-state tuition unless they provide in-state rates to all U.S. citizens under the same conditions.

The States have responded by offering in-state tuition based not on residency but on having attended school in the state and graduated from high school there. These states are thus in compliance with section 505. Congressman KING's amendment would not stop that practice, but it would make it more difficult for children in other states to afford a college education. This is a serious barrier for undocumented students, as they are also ineligible for any publicly-funded financial aid.

The real issue is whether children who have lived in the United States and been educated here should be able to afford a college education even if they were brought here illegally by their parents. Even though they had no say in the decision, our laws force them to suffer the consequences of their parents' actions.

The consequence of this policy is that our country will punish innocent children and foster an increase in the unskilled, undereducated workforce, which will be accompanied by increased spending on social service programs, higher rates of crime, and decreased opportunities for a higher quality of life. Who benefits from such a policy?

We all suffer when good students in our communities are prevented from completing their education and reaching their full potential. We suffer because we are deprived of future contributors and leaders who could help stimulate economic growth and social richness. We suffer because children who might have been scientists, nurses, teachers, or engineers are forced, instead, to exist in a legal limbo.

I urge you to vote against this amendment.

Mr. KING of Iowa. Mr. Chairman, I yield back the balance of my time.

Mr. REGULA. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Iowa (Mr. KING).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. JOHN

Mr. JOHN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. JOHN:  
Page 105, after line 16, insert the following section:

SEC. \_\_. Of the amount made available in title II for the account "OFFICE OF THE SECRETARY—GENERAL DEPARTMENTAL MANAGEMENT", \$100,000,000 is transferred and made available under the account in such title "CENTERS FOR DISEASE CONTROL AND PREVENTION—DISEASE CONTROL, RESEARCH, AND TRAINING" for carrying out the program under section 317S of the Public Health Service Act (as added by Public Law 108-75).

The CHAIRMAN pro tempore. Pursuant to the order of the House of today, the gentleman from Louisiana (Mr. JOHN) and a Member opposed each will control 5 minutes on this amendment.

The Chair recognizes the gentleman from Louisiana (Mr. JOHN).

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume, although I will not take all 5 minutes. But I did think it was important for me to come here and talk about this amendment to this legislation.

I am offering this amendment, and I have worked with the ranking member, the gentleman from Wisconsin (Mr. OBEY), and also the chairman, the gentleman from Ohio (Mr. REGULA), about trying to work through this in conference, but I thought it was very important that we talk just a little bit about this piece of legislation.

The amendment that I have at the desk is an amendment today to fully fund a piece of legislation that was passed out of this body last year and that was signed by the President of the United States. It is called the Mosquito Abatement for Safety and Health Act, the MASH Act. The MASH Act has the support of the gentleman from Louisiana (Mr. TAUZIN) and also Senator GREGG, who have joined together to support this piece of legislation along with the National Association of Counties.

This amendment offers protection for our constituents from mosquito-borne diseases like the West Nile virus. This year alone, Mr. Chairman, over 1,100 human cases of the West Nile virus have popped up, and over 30 deaths have been reported in all but three States and the District of Columbia. Last year alone, this country faced over 9,800 human cases and 264 deaths from the West Nile virus which is spreading across our country.

Of course, countless Americans, mainly our young and our elderly, are very susceptible to the West Nile virus, but it can be kept under control.

I guess many of us outside of the deep South consider that Labor Day has passed and that summer is over, so the mosquitoes go away. But I can tell my colleagues that the infected mosquitoes are continuing to spread well into the months of November and even into some of December.

What this piece of legislation does is establish a one-time matching grant

through the CDC, Center for Disease Control, to enable counties to begin to improve their mosquito abatement programs. Funds can be used for laboratory equipment, purchase of equipment, conduct outreach, educational programs, the kinds of things we need to do to protect our constituents from mosquitoes and this bad disease.

Currently the CDC offers some educational programs, but they do not have real assistance to our counties and to our parishes to make sure that we have the proper funds. Abatement programs are handled through the local government in many instances. So the Federal Government, I believe, because of the West Nile virus and it being spread throughout the whole continental United States, needs to get involved in this to protect our constituents.

I certainly would ask both the chairman and the ranking member to work through this in conference committee, because I feel that this is not just a Louisiana problem, it is certainly a national problem. And I am prepared to withdraw the amendment at the proper time.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to the amendment.

Mr. Chairman, I understand the gentleman's concern. We have the same concern, and we will do as much as we can in conference. This is a serious problem, and we have put \$42 million in CDC to combat West Nile virus, which is an increase over last year, but more needs to be done.

I commend the gentleman for bringing this issue to our attention. And as I understand, the gentleman is going to withdraw his amendment, but we will be sensitive to it.

Mr. Chairman, I might say for the benefit of Members that are watching, I believe this is the last amendment, so we should be able to wrap up here pretty fast, for those who have planes or whatever.

Mr. OBEY. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Wisconsin.

Mr. OBEY. Mr. Chairman, I would simply like to assure the gentleman of my agreement with his comments. I think that we have become incredibly arrogant in assuming that we have conquered these virus-borne diseases and other communicable diseases. In fact, we are learning that we are going to be facing a whole new generation of threats to public health, and I think even with this additional money in the bill, there needs to be much, much more.

Mr. JOHN. Mr. Chairman, I yield myself such time as I may consume to thank both the ranking member and also the chairman for working on this with me. This is a new disease, and we do not know much about it. This can



go a long way in understanding and gaining some information and education about it and also in stopping the spread of this disease.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. OBEY. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to explain to the House why there will not be a recommitment motion.

Mr. Chairman, I voted to report this bill from subcommittee and full committee to the House in order to give the House an opportunity to make some hard choices, but I had frankly expected to vote against the bill for all of the reasons listed in the minority views in the committee report beginning on page 281, and I submit for the RECORD at this point the minority views signed onto by the Democratic members of the subcommittee which outline in some detail what we consider to be the shortcomings of this bill.

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD

While this bill is a modest improvement over the President's budget request, it fails to meet America's needs in education, health care, medical research, and human services. The bill's inadequacies, however, are not the fault of the Committee or Chairman Regula. This bill's shortcomings are the direct and foreseeable result of the Majority's reckless FY 2005 budget resolution which, as with each of the budgets the Majority produced over the past three years, abandons fiscal discipline, mortgages our nation's future, and makes impossible critical investments that benefit all Americans. It is the product of the skewed priorities of the Majority, who value super-sized tax cuts for our wealthiest and most privileged citizens over honoring our commitments and protecting our most vulnerable citizens.

Even when provided with an opportunity to change course, the Majority held rigidly to its failed budget blueprint. Earlier this year, the Majority rejected a Democratic alternative to the FY 2005 budget that was fiscally responsible and allowed a greater investment in education, health care, and many other critical priorities. Then, on June 24, the Majority defeated a Democratic resolution to revise the budget resolution that would have made a greater investment in education, training, and health by modestly scaling back tax cuts for those with annual incomes of \$1 million or more.

Given the Majority Party's misguided budgetary choices, shortfalls in appropriations are inevitable. In fact, the Labor-HHS-Education Subcommittee received a relatively good share of an inadequate total, allowing an increase of about \$3 billion above the current year. That increase was largely allocated to a few areas: providing \$1 billion increases for two high-priority education programs, keeping up with rising costs in the Pell Grant program, partially covering increased research costs at NIH, and funding the administrative expenses of the Social Security Administration.

After doing these things, the subcommittee had more than exhausted the ad-

ditional funds it was allocated above the FY 2004 level. Consequently, other priorities in the bill had to be cut.

#### EDUCATION—NOT AT THE TOP OF THE CLASS

Next year, K-12 and higher education enrollments will again reach record levels. Nearly 55 million students will attend the nation's elementary and secondary schools—4 million more students than in 1995. Full-time college enrollment will reach 16.7 million students—14 percent more than a decade ago.

At the same time that schools are serving more students, the stakes are raised higher by the mandates of the No Child Left Behind Act (NCLB). During the 2005 school year, schools must actually test each student in grades 3-8 in reading and math or face federal sanctions. Student achievement must improve. And, every teacher of a core academic subject must become "highly qualified."

Against the backdrop of record school enrollments, unprecedented Federal education accountability requirements, and rising demand for college assistance, the Committee bill fails to match these growing demands with sufficient resources. The bill provides a \$2.0 billion (3.6 percent) increase over FY 2004 for the Department of Education's discretionary programs, continuing a downward slide in new discretionary education investments under the Bush Administration.

#### No Child Left Behind

While all 50 states and 15,500 school districts are striving to address NCLB's worthy goals, money remains short in many schools. Nonetheless, the Committee bill actually cuts NCLB funding \$120 million below the Administration's request, while providing only \$328 million (1.3 percent) more than FY 2004. In total, the bill provides \$9.5 billion less than the funding promised in NCLB.

Fully funding Title I—which serves low-income children in schools with the greatest educational challenges—is the centerpiece of federal education reform efforts. Title I grants to school districts receive a \$1 billion (8.1 percent) increase in the Committee bill, the same amount as the President's request. Despite this needed increase, Title I appropriations in FY 2005 would still fall \$7.2 billion short of the NCLB funding promise—accounting for most of the total \$9.5 billion NCLB shortfall in the Committee bill.

A key concept in NCLB is that students who are falling behind are able to receive tutoring and a broad array of enrichment services in school and community-based after school centers. Yet the Committee bill freezes funding for 21st Century Community Learning Centers at \$999 million—only half of the \$2.0 billion authorized by NCLB. At the \$2.0 billion level, an additional 1.3 million children could be served in such communities as Davenport, Iowa, Columbus, Ohio, Greenville, South Carolina, and Salt Lake City, Utah, all of which are struggling to keep existing after school centers open to serve children in working families.

The Committee bill freezes funding at last year's levels for several programs that are important to the success of NCLB. For example, English language learning assistance for more than 5 million children who must learn to read and speak English is frozen at \$681 million, the second year in a row—even while these children must meet the same rigorous academic standards as all other children. About 6,500 rural school districts will see their Rural Educational Achievement Program grants level funded at \$168 million, in the aggregate; despite the difficulty they face in recruiting and retaining teachers. In addition, investments in school violence prevention, substance abuse prevention and school safety activities are frozen at \$595

million, nearly 10 percent less than the safe and drug-free schools funding level three years ago.

The Committee bill makes only modest investments in a few areas. For example, it provides a \$63 million net increase for teacher training in math and science instruction (after accounting for an offsetting reduction in NSF support). It provides 1,300 school districts located on or near military bases and other federal facilities a \$21 million (1.7 percent) increase under the Impact Aid program. Further, it rejects the Administration's proposal to cut vocational and career education by \$316 million and, instead, provides an increase to offset inflation.

These modest increases, however, are offset by deep reductions in other education initiatives, including the outright elimination of 22 programs. For example, the Committee bill wipes out the Title VI education block grant, although the Administration proposed to continue its flexible funding of nearly \$300 million to help the nation's school districts pay for locally identified needs, such as up-to-date instructional materials, counseling services, and parental involvement activities. Moreover, arts education, teacher training to improve American history instruction, drop out prevention, K-12 foreign language assistance, and community technology centers to bridge the digital divide in low-income communities—all priority activities reauthorized in NCLB—are terminated. Because of budget constraints, the bill even denies over \$100 million in education initiatives requested by the President.

#### Special education

President Bush's Commission on Excellence in Special Education concluded, "children with disabilities remain those most at risk of being left behind." The Committee bill makes progress in fulfilling federal commitments in special education by providing a \$1 billion (9.9 percent) increase over FY 2004 for IDEA Part B State Grants, the same amount as the President's request. Under the Committee bill, the federal contribution toward special education costs incurred by the nation's schools will increase from 18.7 percent in FY 2004 to 19.8 percent in FY 2005. Nonetheless, the Committee bill falls \$2.5 billion short of the \$13.6 billion promised last year by the Majority party when it passed H.R. 1350, the IDEA reauthorization bill.

#### College assistance

In today's increasingly technological society, a college education is essential for a good-paying job. For low- and moderate-income families, however, the task of sending a child to college—which has never been easy—is now a daunting challenge, given an average 26 percent tuition increase in the last two years at 4-year public colleges and universities.

The Committee bill, however, makes little progress in making college more affordable for disadvantaged students. The bill freezes the maximum Pell Grant for low-income college students at \$4,050 for the second year in a row, freezes College Work Study assistance, and cuts Perkins Loans by \$99 million below last year's level.

College students will receive help with dramatically rising tuition bills only through a \$24 million (3.1 percent) increase for Supplemental Educational Opportunity Grants (SEOGs), and a restoration of the \$66 million LEAP grants for state need-based student financial assistance programs, which the Administration sought to eliminate.

#### INVESTING LESS IN AMERICA'S LABOR FORCE

For the Department of Labor's employment and training assistance programs for unemployed Americans, the Committee bill



invests \$236 million *less* than the Administration's request and \$40 million *less* than last year, despite a loss of 1.8 million private sector jobs since President Bush took office.

While the Committee bill provides a \$25 million (1.7 percent) increase over FY 2004 to assist dislocated workers affected by mass layoffs, it denies 80 percent of the Administration's \$250 million request for the Community College technical training initiative and eliminates the \$90 million prisoner re-entry initiative due to budget constraints. The bill shaves the Administration's proposed 2.8 percent increase for salaries and other operating costs for Job Corps, the highly successful initiative that helps hard-core disadvantaged and unemployed youth, to a 1.8 percent increase over FY 2004.

Unemployment remains unacceptably high with 8.0 million Americans out of work; however, the Committee bill actually cuts assistance for individuals seeking jobs through the Employment Service, a building block for the nation's one-stop employment services delivery system. State Employment Service funding is cut to \$696 million, a 10 percent reduction below FY 2004 and the lowest level in more than 10 years. The Committee bill also rescinds \$100 million in prior funding, as requested by the Administration, for the H-1B training grants that help train Americans in high-skill, high-wage jobs and reduce the nation's reliance on foreign workers.

Further, funding to promote international labor standards and combat abusive child labor will be eviscerated with a 68 percent cut in the Committee bill, which adds only \$5 million to the Administration's request. The \$35.5 million provided in the bill includes only \$16 million for child labor projects compared with the \$82 million allocated in FY 2004.

#### FALLING SHORT OF THE PROMISE OF A SAFE AND HEALTHY NATION

For the health-related programs of the Department of HHS, the Committee's bill falls short of what is needed to maintain the health care safety net, protect the public health, and advance medical research.

The measure does substantially increase funding for Community Health Centers, expand a Global Disease Detection initiative at CDC, and provide modest increases for AIDS drug assistance and chronic disease prevention programs. In some respects it is an improvement over the President's budget—it rejects the Administration's proposal to cut bio-terrorism preparedness assistance to health departments and hospitals, and reduces the President's proposed cuts in rural health and health professions programs.

However, a number of health programs are still cut below the current-year level by the Committee bill. Examples include the Healthy Communities Access Program, several rural health programs, some health professions training programs (especially those related to primary care and public health), and block grants for public health services. A large number of other programs have their funding frozen, often for the second or third year in a row. These freezes, while health care costs and the number of people needing assistance are continuing to increase, mean real erosion in the health care safety net and public health protection.

- The Committee bill terminates the Healthy Communities Access Program (HCAP), which makes grants to local consortia of hospitals, health centers, and other providers to build better integrated systems of care for the uninsured. This means that roughly 70 communities will lose their existing three-year grants and about 35 new grants will not be made.

- Rural Health Outreach Grants—which support primary health care, dental health,

mental health, and telemedicine projects—are cut by 24 percent. Grants to improve small rural hospitals are cut in half, funding to help rural communities acquire the defibrillators that can save the lives of heart attack victims are cut by more than half, and a small new program to help improve emergency medical services in rural areas is eliminated.

- Apart from grants to Health Centers, the bill continues to slow erosion of most other health care programs. The Maternal and Child Health Block Grant is funded slightly *below* its level of three years earlier, with no increase for rising health care costs, population or anything else. These grants help support prenatal care and health and dental services for low-income children, and assist children with disabilities and other special health care needs. The National Health Service Corps—which helps bring doctors and dentists into under-served areas—receives a bit less than in FY 2003. The Ryan White AIDS Care programs (other than drug assistance) is also slightly under its FY 2003 level (while the number of AIDS patients has been rising by about 7 percent per year), and the Title X family planning program is just 1.8 percent above FY 2003.

- Support for training in primary care medicine and dentistry—which is targeted to increasing the number of doctors and dentists in rural and other underserved areas—is cut 22 percent below the current year by the bill. Support for training in public health and preventive medicine is cut 24 percent, despite the difficulties that public health departments are having recruiting and retaining qualified professionals.

- The Committee bill does include a small, \$5 million (3.5 percent) increase for nurse education and training programs. While a step in the right direction, it pales in comparison to the national commitment envisioned under the Nurse Reinvestment Act, which was aimed at stemming the looming nursing shortage.

- CDC's childhood immunization program receives a small but welcome \$11 million increase in the Committee bill. However, the bill's FY 2005 level is just 3.4 percent above FY 2002 while the cost to immunize a child with all recommended vaccines will have increased 18.5 percent.

- Also in CDC, although the bill roughly doubles an important Global Disease Detection initiative, funding for ongoing domestic activities to control and respond to infectious diseases like West Nile Virus, SARS and the flu are increased by just 1.1 percent.

- The Committee bill makes a 17.5 percent cut in basic support to state and local health departments through the Preventive Health and Health Services Block Grant. This funding is used for a range of priorities, from health screening to immunization to control of chronic diseases like diabetes and asthma to basic epidemiological investigations and public health laboratory operations.

For the National Institutes of Health, the Committee bill is identical to the Administration's budget request. It provides an increase of 2.6 percent—which is the smallest in 19 years and significantly less than the 3.5 percent needed to cover estimated inflation in biomedical research costs. Although the Administration says that its budget (and hence the Committee bill) would produce a small increase in the number of new and re-competing research project grants—reversing a decrease that is occurring in FY 2004—it achieves that result only by assuming unusually tight limits on the average size of research grants, including cuts to ongoing research projects below previously committed levels. If grant amounts were instead allowed to increase at normal rates, the number of new grants would decrease for the second

year in a row. Many Members have been circulating letters to the Committee urging additional funding to accelerate research into diseases like Parkinson's or Alzheimer's or cancer. Many of the Members of Congress who have signed such letters in fact voted for the Republican budget resolution which has made it impossible for the committee to provide funding levels requested in such letters. At the funding level in the Committee bill, such increases simply are not possible.

#### HELPING AMERICA'S MOST VULNERABLE CITIZENS

For the human services side of the Department of HHS, the Committee bill includes increases for Low-Income Home Energy Assistance (LIHEAP), Refugee Assistance, Head Start, Abstinence-only Sex Education, and some programs of the Administration on Aging. It also rejects most (but not all) of the cut in the Community Services Block Grant proposed by the President. On the whole, however, the bill's human services appropriations fall short of what is needed.

For LIHEAP, the Committee added \$111 million above FY 2004, as proposed by the President. However, this barely does more than reverse a decrease that occurred last year. Sharply higher energy prices combined with cold winters have increased the need for LIHEAP. These same conditions have also led to growing need for the Energy Department's Weatherization Assistance Program (which was recently transferred to the Labor-HHS bill). However, the bill includes no increase at all for Weatherization, rejecting the \$64 million addition proposed by the President.

The Child Care Block Grant has its funding essentially frozen for the third year in a row under the Committee's bill, meaning a real reduction in help for working families. Appropriations for Head Start are \$45 million less than the amount proposed by the President. Overall funding for the Administration on Aging is up by 2.2 percent. However, this follows two years of even smaller increases, leaving the FY 2005 figure just 4.0 percent above its level three years earlier.

#### THE DEMOCRATIC ALTERNATIVE

The demands of the war on terrorism, the conflict in Iraq, homeland security needs, and a sluggish economy require a pragmatic and responsible approach to America's budget. Yet, even with all these competing needs and challenges, this bill's shortcomings were not fated.

The budget alternatives that Democrats offered earlier this year—including the package of budget resolution revisions that the House considered on June 24—would have allowed this Committee to make a greater investment in education, health care, medical research, and other pressing needs. Our budget alternatives were also fiscally responsible; they would have provided for these national needs and reduced the deficit by modestly reducing tax cuts for those with annual incomes above \$1 million.

When this bill was considered by subcommittee and by the full Appropriations Committee, amendments were offered mirroring the Labor-HHS-Education portion of the Democratic budget proposal. These amendments would have added \$7.4 billion to the bill, paid for by 30 percent reduction in the 2005 tax cuts for people with incomes over \$1 million. Instead of tax cuts averaging about \$127,000, this top-income group would have their tax cuts reduced to an average of \$89,000. Regrettably, these amendments were defeated on party line votes. Had they been adopted, we could:

- Invest \$1.5 billion more in Title I instruction to help an additional 500,000 low-income and minority children in the poorest communities succeed in school;

- Invest \$200 million more in after school centers so that an additional 267,000 children, who are responsible for taking care of themselves after school each day, have a safe and nurturing place to go after school;

- Invest \$1.2 billion more to subsidize the high costs of educating 6.9 million children with disabilities;

- Provide a \$450 increase in the maximum Pell Grant for students with the greatest financial need, and begin to restore its purchasing power for more than 5 million low-income students;

- Assist an additional 51,000 teachers improve their instructional skills to become highly qualified under NCLB; and

- Ensure that 2,500 low-performing schools receive the assistance they were promised to implement effective, comprehensive reforms to raise their academic performance.

In the area of workforce training, the Democratic amendment would have provided an additional \$200 million to support training and job placement services for more jobless Americans. And, it would have fully restored funding to combat child labor and promote workers' rights around the world, which in turn would have helped workers here at home.

On the health and human services side, the Democratic amendment would have allowed us to provide more help to the 45 million people without health care, maintain momentum in biomedical research, and restore some of the lost purchasing power in key human services programs. For example, the amendment would do the following:

- Maintain the Healthy Communities Access Program, rather than terminating it as under the Committee bill, and add some funds to make up for lost ground in programs like the Maternal and Child Health

Block Grant, Family Planning, and Community Mental Health Block Grant.

- Avoid any cuts in health professions training programs, add \$20 million to the National Health Service Corps to get more doctors and dentists into underserved rural and inner city areas, and add \$35 million to Nurse Reinvestment Act programs to help stem the nursing shortage by providing more scholarships for nursing students and more support for nursing schools.

- Eliminate the proposed cuts in rural health programs, and add an additional \$19 million to better support rural health clinics, hospitals and emergency services.

- Provide \$50 million to help meet some of the most urgent unmet needs for dental care, through grants for rural dental clinics, scholarships and student loan repayment arrangements for dentists who locate in underserved areas, and grants and low-interest loans to help dentists who agree to participate in Medicaid establish and expand practices in areas with dental shortages.

- Add \$500 million to the budget of the National Institutes of Health—enough to provide a full inflation adjustment, renew all ongoing research grants, and restore the number of new grants to the FY 2003 level. This would help maintain momentum in research to find better treatments for diseases like cancer, Parkinson's disease, and Alzheimer's.

- Provide \$50 million more for child immunization, to help catch up with rising vaccine costs, and also add \$50 million to other infectious disease control efforts at CDC (including those aimed at HIV/AIDS, tuberculosis, and sexually transmitted diseases).

- Add \$200 million to the Low-Income Home Energy Assistance Program to help keep up with rising needs. Between the 2002 and 2004 winter heating seasons, average

home heating costs rose 50 percent for natural gas users and 54 percent for users of fuel oil. As energy prices rise and the economy remains weak, the number of households seeking assistance is rising, but the program still serves only about 14 percent of the eligible population.

Provide an additional \$70 million for senior citizens' programs of the Administration on Aging, including Meals on Wheels and other nutrition programs.

Budgets are as much about America's values as they are about dollars and cents. By prioritizing massive tax cuts for the wealthiest among us, House Republicans have once again rejected traditional American values of shared sacrifice in difficult times and equal opportunity for all Americans. The Majority's priorities will mean less opportunity through education and job training, decreased access to health care in rural and other underserved areas, and a nation that is less caring toward its most vulnerable children, families, and senior citizens.

The decisions that have led to this unhappy situation have, in fact, already been made by the Republican majority members who have voted for the Republican budget resolution and against our efforts to modify it. This bill is the inevitable unhappy result of those decisions. The only way to achieve a more favorable final outcome is for this bill to move to conference with the Senate and be greatly altered to produce a more responsible result.

DAVID OBEY.

STENY HOYER.

NITA LOWEY.

ROSA L. DELAUNO.

JESSE L. JACKSON, JR.

PATRICK J. KENNEDY.

LUCILLE ROYBAL-ALLARD.

Democratic Amendment  
to FY 2005 Labor-HHS-Education Appropriations

Increase Above  
Committee Bill  
*Dollars in millions*

**Education**

Providing Title 1 reading and math instruction to 500,000 additional low-income children	1,500
Helping 267,000 additional children in working families to benefit from after-school learning opportunities	200
Increasing assistance to local communities for special education	1,200
Helping to put a highly qualified teacher in every classroom	225
Increasing the maximum Pell Grant by \$450 to \$4,500 to begin to restore the lost purchasing power of Pell Grants	2,200
Supporting effective school improvement through comprehensive school reforms at an additional 2,500 schools	228
<i>Total, Department of Education</i>	<i>\$5,553</i>

**Employment and Training**

Investing in training and job placement assistance for unemployed Americans	126
Promoting international labor standards and workers' rights	74
<i>Total, Department of Labor</i>	<i>\$200</i>

**Health and Human Services**

Keeping up with costs of childhood immunization, and improving control of infectious diseases (including TB, STDs & AIDS)	100
---	-----

Increase Above  
Committee Bill  
*Dollars in millions*

Preserving critical investments in medical research at NIH	500
Maintaining core health care “safety net” programs, especially for children and rural residents (including Community Access Program, Family Planning, etc).	333
Improving critical dental services for children and others lacking access to care	50
Helping to alleviate the shortage of nurses	35
Training doctors, dentists and other health professionals, especially for rural and underserved areas	25
Improving public health preparedness for bio-terrorism & epidemics	56
Helping low-income families with energy costs through LIHEAP	200
Maintaining access to child care and Head Start	180
Improving economic opportunity and community services (CSBG)	30
Assisting communities with refugee resettlement	32
Meals-on Wheels, Senior Centers, Family Caregiver Assistance and other help for older Americans	70
<i>Total, Department of HHS</i>	<i>\$1,611</i>
<b>TOTAL</b>	<b>\$7,364</b>

### Offset

The cost of these additions would be offset through a 30 percent reduction in the tax cuts received by people with annual incomes above \$1 million as a result of the 2001 and 2003 tax legislation. Instead of annual tax cuts averaging \$127,000, this group would receive tax cuts averaging \$89,000.



**DEMOCRATIC AMENDMENT TO FULL COMMITTEE PRINT  
FY 2005 LABOR-HHS-EDUCATION APPROPRIATIONS**

*Program Level, \$ in millions*

	FY 2004			FY 2005			Democratic Amendment Compared To:		
	Comparable	FY 2005 Request	FY 2005 Committee	FY 2005 Democrats	Committee Dollars	Percent	FY 2004 Dollars	Percent	
Rural Health and Telemedicine (Above line restores all programs to FY 2004 level, plus \$10 million for Rural Health Outreach, \$5 million for Telemedicine, and \$4 million for Rural EMS).	\$111	\$34	\$88	\$129	\$41	47.2%	\$19	16.8%	
Substance Abuse and Mental Health Services	\$3,351	\$3,550	\$3,392	\$3,432	\$40	1.2%	\$81	2.4%	
Dental Care Initiative (Above line adds \$10 million to National Health Service Corps, \$10 million to Rural Health Outreach and \$6 million to Health Professions, all for dental care, plus \$24 million for Dental Shortage Area Grants under PHSA sec. 340G)				\$50	\$50	n.a.	\$50	n.a.	
Nurse Education (Above line adds \$15 million to scholarship & loan repayments, \$5 million each to advanced education nursing and diversity, \$4 million each to education-practice-retention and faculty loan repayments, and \$3 million to geriatric nursing.)	\$142	\$147	\$147	\$182	\$35	23.8%	\$40	28.2%	
Health Professions Education	\$294	\$11	\$269	\$294	\$25	9.2%	\$0	0.0%	
Public Health Emergency Fund	\$2,164	\$2,225	\$2,369	\$2,425	\$56	2.4%	\$261	12.1%	
Low-Income Home Energy Assistance	\$1,889	\$2,001	\$2,000	\$2,200	\$200	10.0%	\$311	16.5%	
Child Care Development Block Grant	\$2,087	\$2,100	\$2,100	\$2,200	\$100	4.8%	\$113	5.4%	
Head Start	\$6,783	\$6,944	\$6,899	\$6,979	\$80	1.2%	\$195	2.9%	
Community Services Block Grant	\$642	\$495	\$628	\$650	\$23	3.6%	\$8	1.3%	
Community Services discretionary programs	\$89	\$57	\$83	\$90	\$7	8.8%	\$0	0.5%	
Refugee & Entrant Assistance	\$448	\$473	\$491	\$523	\$32	6.5%	\$76	16.9%	
Older Americans Act programs (Above line adds \$20 million to Supportive Services, \$25 million to Nutrition, \$10 million to Family Caregivers and \$2 million to Native American Caregivers, \$4 million each to Native Americans and Protection of Vulnerable Older Americans and \$5 million to Alzheimer's Disease grants.)	\$1,374	\$1,377	\$1,403	\$1,473	\$70	5.0%	\$100	7.2%	
Subtotal, Department of Health and Human Services					\$1,611		\$3,039		
Total					\$7,364		\$11,269		

# SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL

(Estimates, dollars rounded to nearest \$000; amounts may not sum to totals)

	Title 1	After School	IDEA Part B	Teacher Quality	Pell Grants	Total
Alabama	+\$25,610,000	+\$2,927,000	+\$19,470,000	+\$3,700,000	+\$41,736,000	+\$93,443,000
Alaska	+\$4,027,000	+\$980,000	+\$3,631,000	+\$1,108,000	+\$1,716,000	+\$11,462,000
Arizona	+\$27,864,000	+\$3,619,000	+\$18,163,000	+\$4,647,000	+\$44,464,000	+\$98,757,000
Arkansas	+\$18,102,000	+\$1,823,000	+\$12,075,000	+\$2,324,000	+\$23,051,000	+\$57,375,000
California	+\$187,447,000	+\$27,678,000	+\$133,993,000	+\$30,073,000	+\$197,728,000	+\$576,919,000
Colorado	+\$15,473,000	+\$1,762,000	+\$15,382,000	+\$2,639,000	+\$24,202,000	+\$59,458,000
Connecticut	+\$13,794,000	+\$1,617,000	+\$13,699,000	+\$1,853,000	+\$11,572,000	+\$42,535,000
Delaware	+\$4,117,000	+\$980,000	+\$3,327,000	+\$1,108,000	+\$3,299,000	+\$12,831,000
District of Columbia	+\$5,235,000	+\$980,000	+\$1,673,000	+\$1,108,000	+\$5,906,000	+\$14,902,000
Florida	+\$62,613,000	+\$9,152,000	+\$68,360,000	+\$11,462,000	+\$108,565,000	+\$260,152,000
Georgia	+\$48,534,000	+\$5,986,000	+\$31,929,000	+\$6,688,000	+\$51,107,000	+\$144,244,000
Hawaii	+\$5,339,000	+\$980,000	+\$4,197,000	+\$1,108,000	+\$5,472,000	+\$17,096,000
Idaho	+\$5,361,000	+\$980,000	+\$5,712,000	+\$1,108,000	+\$11,559,000	+\$24,720,000
Illinois	+\$50,377,000	+\$8,197,000	+\$53,266,000	+\$8,541,000	+\$76,262,000	+\$196,643,000
Indiana	+\$27,895,000	+\$2,542,000	+\$26,842,000	+\$3,601,000	+\$35,923,000	+\$96,803,000
Iowa	+\$11,507,000	+\$980,000	+\$12,287,000	+\$1,513,000	+\$21,923,000	+\$48,210,000
Kansas	+\$13,770,000	+\$1,235,000	+\$11,500,000	+\$1,583,000	+\$18,402,000	+\$46,490,000
Kentucky	+\$25,154,000	+\$2,642,000	+\$15,714,000	+\$3,078,000	+\$30,709,000	+\$77,297,000
Louisiana	+\$33,963,000	+\$4,237,000	+\$19,525,000	+\$4,588,000	+\$40,562,000	+\$102,875,000
Maine	+\$5,862,000	+\$980,000	+\$5,507,000	+\$1,108,000	+\$7,067,000	+\$20,524,000
Maryland	+\$19,042,000	+\$2,602,000	+\$21,014,000	+\$3,003,000	+\$25,430,000	+\$71,091,000
Massachusetts	+\$26,580,000	+\$3,304,000	+\$28,570,000	+\$3,489,000	+\$29,523,000	+\$91,466,000
Michigan	+\$54,136,000	+\$6,220,000	+\$43,983,000	+\$6,478,000	+\$57,125,000	+\$167,942,000
Minnesota	+\$14,893,000	+\$1,488,000	+\$20,008,000	+\$2,444,000	+\$27,174,000	+\$66,007,000
Mississippi	+\$20,970,000	+\$2,461,000	+\$13,145,000	+\$2,962,000	+\$32,644,000	+\$72,182,000
Missouri	+\$24,977,000	+\$2,814,000	+\$22,863,000	+\$3,700,000	+\$35,980,000	+\$90,334,000
Montana	+\$5,039,000	+\$980,000	+\$4,000,000	+\$1,108,000	+\$7,819,000	+\$18,946,000
Nebraska	+\$7,456,000	+\$980,000	+\$7,516,000	+\$1,108,000	+\$10,990,000	+\$28,050,000
Nevada	+\$6,610,000	+\$1,027,000	+\$6,830,000	+\$1,438,000	+\$6,997,000	+\$22,902,000
New Hampshire	+\$4,234,000	+\$980,000	+\$4,776,000	+\$1,108,000	+\$4,913,000	+\$16,011,000



# **SUMMARY OF STATE EDUCATION FORMULA ALLOCATIONS DEMOCRATIC AMENDMENT COMPARED TO COMMITTEE BILL**

*(Estimates, dollars rounded to nearest \$000; amounts may not sum to totals)*

	<b>Title 1</b>	<b>After School</b>	<b>IDEA Part B</b>	<b>Teacher Quality</b>	<b>Pell Grants</b>	<b>Total</b>
New Jersey	+\$38,083,000	+\$4,012,000	+\$36,380,000	+\$4,676,000	+\$39,909,000	+\$123,060,000
New Mexico	+\$15,676,000	+\$1,836,000	+\$9,600,000	+\$2,011,000	+\$16,075,000	+\$45,198,000
New York	+\$109,210,000	+\$19,493,000	+\$77,511,000	+\$15,198,000	+\$149,927,000	+\$371,339,000
North Carolina	+\$36,827,000	+\$4,264,000	+\$33,389,000	+\$5,754,000	+\$51,779,000	+\$132,013,000
North Dakota	+\$3,986,000	+\$980,000	+\$2,702,000	+\$1,108,000	+\$6,214,000	+\$14,990,000
Ohio	+\$58,614,000	+\$6,240,000	+\$50,213,000	+\$7,074,000	+\$68,552,000	+\$190,693,000
Oklahoma	+\$19,662,000	+\$2,184,000	+\$16,170,000	+\$2,804,000	+\$29,482,000	+\$70,302,000
Oregon	+\$21,693,000	+\$2,077,000	+\$14,341,000	+\$2,297,000	+\$22,828,000	+\$63,236,000
Pennsylvania	+\$59,457,000	+\$6,595,000	+\$47,480,000	+\$7,052,000	+\$70,915,000	+\$191,499,000
Puerto Rico	+\$58,352,000	+\$7,240,000	+\$11,102,000	+\$8,446,000	+\$80,026,000	+\$165,166,000
Rhode Island	+\$6,640,000	+\$980,000	+\$4,402,000	+\$1,108,000	+\$7,982,000	+\$21,112,000
South Carolina	+\$24,387,000	+\$2,606,000	+\$18,338,000	+\$3,068,000	+\$27,780,000	+\$76,179,000
South Dakota	+\$4,589,000	+\$980,000	+\$3,219,000	+\$1,108,000	+\$6,674,000	+\$16,570,000
Tennessee	+\$27,048,000	+\$3,164,000	+\$24,995,000	+\$4,127,000	+\$37,513,000	+\$96,847,000
Texas	+\$126,201,000	+\$17,610,000	+\$99,459,000	+\$20,053,000	+\$139,937,000	+\$403,260,000
Utah	+\$8,060,000	+\$980,000	+\$12,058,000	+\$1,477,000	+\$21,598,000	+\$44,173,000
Vermont	+\$3,763,000	+\$980,000	+\$2,605,000	+\$1,108,000	+\$3,452,000	+\$11,908,000
Virginia	+\$26,950,000	+\$3,065,000	+\$29,659,000	+\$4,192,000	+\$36,975,000	+\$100,841,000
Washington	+\$25,650,000	+\$2,656,000	+\$25,032,000	+\$3,681,000	+\$32,436,000	+\$89,455,000
West Virginia	+\$14,604,000	+\$1,470,000	+\$7,644,000	+\$1,408,000	+\$15,180,000	+\$40,306,000
Wisconsin	+\$25,618,000	+\$2,477,000	+\$22,012,000	+\$3,001,000	+\$24,620,000	+\$77,728,000
Wyoming	+\$3,847,000	+\$980,000	+\$2,734,000	+\$1,108,000	+\$3,361,000	+\$12,030,000
<b>TOTAL APPROPRIATION</b>	<b>+\$1,500,000,000</b>	<b>+\$200,000,000</b>	<b>+\$1,200,000,000</b>	<b>+\$225,000,000</b>	<b>+\$2,200,000,000</b>	<b>+\$5,325,000,000</b>

*Note: Title 1, After School, IDEA Part B, and Teacher Quality estimates from the Congressional Research Service based on data provided by the U.S. Department of Education. Pell Grant estimates from American Council on Education based on data provided by the U.S. Department of Education.*

MINORITY VIEWS OF THE HONORABLE DAVID OBEY, STENY HOYER, NITA LOWEY, ROSA DELAURO, JESSE JACKSON, JR., PATRICK KENNEDY, AND LUCILLE ROYBAL-ALLARD ON THE ADMINISTRATION'S OVERTIME REGULATION

The Administration is poised—in a few short weeks—to implement the most sweeping, anti-worker revision of the Fair Labor Standards Act (FLSA) since its inception in 1938. The overtime pay requirements of the FLSA, which guarantee for most workers “time and a half” pay for hours worked beyond a standard 40-hour work week, are one of the nation’s bedrock worker protections. The FLSA’s overtime provisions cover approximately 115 million workers—about 85 percent of the nation’s workforce.

On August 23rd, 2004, the Department of Labor’s final overtime regulations (redefining who is considered a professional, administrative, or executive employee and thereby exempt from overtime pay) are slated to go into effect, giving employers a huge windfall taken right out of employees’ paychecks. On the eve of Labor Day, more than 6 million Americans soon will be getting less pay for their labors courtesy of the Bush Administration.

This anti-worker regulation is just the latest attack on America’s workers by this Administration. Since President Bush entered office, 1.8 million private sector jobs have been lost. Despite modest job creation in the last few months, some 8.2 million Americans remain unemployed—2.3 million (38 percent) more than when President Bush entered office. Further, more unemployed individuals are out of work for longer periods of time. In June 2004, 1.7 million individuals had been unemployed for over 6 months—nearly triple the number of long-term unemployed at the start of the Administration.

For families who received overtime pay in 2000, overtime earnings accounted for about 25 percent of their income or about \$8,400 a year. Overtime compensation is essential to their ability to pay mortgages, medical bills, and make ends meet. Yet, despite the urgent need to halt the Administration’s assault on these workers, the House Appropriations Committee rejected, by a party line vote of 29 to 31, a Democratic amendment that would have prevented the Administration from rolling back the 40-hour workweek.

Last year, both the House and the Senate voted to stop the Administration from taking away workers’ rights to overtime when the Department of Labor issued its initial proposal to strip overtime protections away from 8 million workers. The Senate twice adopted amendments offered by Senator TOM HARKIN to prohibit the Administration from taking away overtime pay. Last October, the House voted to adopt the Obey-Miller Motion to Instruct by a vote of 221 to 203.

Both the Harkin Amendment and the Obey-Miller Motion to Instruct would have restricted the Administration’s ability to disqualify anyone from overtime protection, while retaining virtually the only positive change in the initial regulation—a long overdue and non-controversial increase in the protective salary threshold to guarantee overtime rights for low-income workers. Democrats support extending overtime protections to more low-income workers, even though the Administration’s proposal fails to provide a true inflationary adjustment to the salary threshold. (Moreover, we now know that that far fewer workers would actually benefit from this change than claimed by the Department of Labor.)

Yet, despite passage of these measures in the Senate and the House—in opposition to all the traditions of the Congress—the Re-

publican leadership stripped the Harkin language from the final fiscal year 2004 omnibus appropriations bill, allowing the Department of Labor to proceed with its anti-worker regulation.

On July 14, the Committee on Appropriations had an opportunity to preserve the hard-earned overtime rights for working Americans by adopting the Democratic amendment. The Democratic amendment was identical, in effect, to the earlier measures approved by both the House and the Senate. It would have prohibited the Department of Labor from implementing the final rule to disqualify workers from overtime coverage. At the same time, it would have allowed the expansion of overtime rights for low-income workers earning up to \$23,660 a year, precisely as proposed by the Department of Labor in its final regulation.

The Democratic amendment would protect more than 6 million workers in a broad range of occupations now at risk of losing their overtime rights according to estimates made by the Economic Policy Institute (EPI). Indeed, an even larger number of workers are likely to be harmed by the Administration rule because EPI examined only 10 of the hundreds of occupational categories covered by the Bush anti-worker regulation.

The Democratic amendment would protect:

- *2.3 million workers who lead teams of other employees assigned to major projects—even if these team leaders have no direct supervisory responsibilities for other employees on the team.* About 40 percent of employers with 50 or more employees routinely use work teams. Under the Department of Labor’s final regulation, however, we can expect even more employers to take advantage of this new exemption with enormous negative consequences for employees;

- *Nearly 2 million low-level working supervisors in fast food restaurants, lodging and retail stores.* Under the Department of Labor’s final regulation, these employees could lose 100 percent of their overtime eligibility even though only a small percentage of their time is spent on managerial work. For example, low-paid Burger King assistant manager who spends nearly all of his or her time cooking hamburgers and serving customers, with no authority to hire or fire subordinates, could lose all of his or her overtime pay. Moreover, it will not be easier for employers to evade the rules by converting hourly employees to exempt salaried employees;

- *More than 1 million employees without a college or graduate degree.* These employees will now be exempt from overtime pay as professional employees because employers will be able to substitute work experience for a degree under the Department of Labor’s final regulation.

Moreover, the Department of Labor has not resolved the question of whether training in the military can be considered substitute work experience. Thus, despite Labor Department denials, many veterans employed in engineering, accounting, and technical occupations could lose overtime pay. For example, the Boeing corporation observed, “\* \* \* many of its most skilled technical workers received a significant portion of their knowledge and training outside of the university classroom, typically in a branch of the military service \* \* \*”;

- *30,000 nursery school and Head Start teachers.* These already low-paid employees, who currently receive overtime pay because their jobs do not require them to exercise sufficient discretion and judgment to be considered professional employees, will lose the right to extra pay under the Department of Labor’s final regulation;

- *160,000 mortgage loan officers and hundreds of thousands of additional workers in the finan-*

*cial services industry.* These employees will lose their overtime rights because of a blanket industry exemption in the Department of Labor final regulation for financial service employees who work at such duties as collecting customer financial information, providing information and advice about financial products, or marketing financial products;

- *Nearly 90,000 computer employees, funeral directors and licensed embalmers.* These employees will become exempt and lose their right to pay under the Department of Labor’s final regulation; and

- *Nearly 400,000 workers earning more than \$100,000 annually.* Under the Department of Labor final regulation, these highly compensated employees will lose overtime pay under a new blanket exemption if they perform only a single exempt task “customarily or regularly”, such as suggesting discipline, promotion or assignment of other employees perhaps as infrequently as twice a year. Over time, as incomes grow, the number of employees bumped into this new exclusion from overtime pay will increase.

The Department of Labor failed to hold a single public hearing on one of the most controversial regulations in the history of the Department, despite receiving 75,280 comments on its proposals. Indeed, the Department of Labor even provided information to employers in its initial regulation on how to escape overtime pay requirements as part of a concerted campaign to give employers dozens of new ways—both obvious and subtle—to reclassify workers to cut costs.

Affected employers would have four choices concerning potential payroll costs: (1) Adhering to a 40 hour work week; (2) paying statutory overtime premiums for affected workers’ hours worked beyond 40 per week; (3) raising employees’ salaries to levels required for exempt status by the proposed rule; or (4) converting salaried employees’ basis of pay to an hourly rate (no less than the federal minimum wage) that results in virtually no (or only a minimal) changes to the total compensation paid to those workers. Employers could also change the duties of currently exempt and nonexempt workers to comply with the proposed rule.

The Administration claims that its overtime regulation will strengthen and expand overtime protections. The facts say different. Even the Republican-led Senate voted 99 to 0 in favor of the amendment offered by Senator Judd Gregg to protect overtime rights in 55 job classifications—including blue-collar workers, registered nurses, police officers, and firefighters—because they had no confidence in the Administration’s claims.

The Administration claims that its overtime regulation will reduce costly and lengthy litigation. However, three experts who formerly administered the FLSA in the Department of Labor during both Republican and Democratic administration reached exactly the opposite conclusion.

Further, in our view, the Department has written rules that are vague and internally inconsistent, and that will likely result in a profusion of confusion and court litigation—outcomes that the Department explicitly sought to avoid.

For example, the former Department of Labor officials observed that,

The team leader provision in new Sec. 541.203(3) is an entirely new regulatory concept that is also fraught with ambiguity. This provision is not based on case law, but is purportedly an attempt to reflect modern workplace practices. . . . Furthermore, the regulations do not address the very real possibility that team leaders may be working on a number of different short- or long-term projects, simultaneously or in succession,

Abercrombie	Conyers	Frank (MA)
Ackerman	Cooper	Frelinghuysen
Allen	Crane	Gerlach
Andrews	Crenshaw	Gilchrest
Baca	Crowley	Gonzalez
Baird	Cummings	Green (TX)
Baldwin	Davis (AL)	Grijalva
Beauprez	Davis (CA)	Gutierrez
Becerra	Davis (FL)	Hall
Bell	Davis (IL)	Harman
Berkley	DeGette	Harris
Berman	DeLauro	Hastings (FL)
Berry	Deutsch	Hastings (WA)
Biggert	Diaz-Balart, L.	Hinchey
Bishop (GA)	Diaz-Balart, M.	Hinojosa
Bishop (NY)	Dicks	Hobson
Blumenauer	Dingell	Hoefel
Blunt	Doggett	Holden
Boehner	Dooley (CA)	Holt
Bonilla	Doyle	Honda
Boucher	Dreier	Houghton
Brady (PA)	Dunn	Hoyer
Brown (OH)	Ehlers	Hyde
Brown, Corrine	Emanuel	Inlee
Butterfield	Engel	Issa
Cantor	English	Jackson (IL)
Capps	Eshoo	Jackson-Lee
Capuano	Etheridge	(TX)
Cardin	Evans	Jefferson
Carson (IN)	Farr	Johnson (CT)
Case	Fattah	Johnson, E. B.
Castle	Ferguson	Jones (OH)
Clay	Filner	Kaptur
Clyburn	Ford	Kennedy (RI)

Kildee	Murphy	Scott (VA)
Kilpatrick	Murtha	Serrano
Kind	Nadler	Shaw
King (NY)	Napolitano	Sherman
Klecza	Neal (MA)	Sherwood
Knollenberg	Northup	Slaughter
Kucinich	Nunes	Smith (NJ)
Lantos	Nussle	Smith (WA)
Larsen (WA)	Oberstar	Snyder
Larson (CT)	Obey	Solis
Latham	Olver	Souder
Leach	Ortiz	Spratt
Lee	Osborne	Stark
Levin	Ose	Strickland
Lewis (CA)	Owens	Stupak
Lewis (GA)	Oxley	Tauscher
Linder	Pallone	Thomas
Lofgren	Pascarell	Thompson (CA)
Lowe	Pastor	Thompson (MS)
Lucas (KY)	Payne	Tiahrt
Lynch	Pearce	Tiberi
Majette	Pelosi	Tierney
Maloney	Pickering	Turner (OH)
Markey	Pomeroy	Udall (CO)
Matsui	Porter	Udall (NM)
McCarthy (MO)	Portman	Van Hollen
McCarthy (NY)	Price (NC)	Velázquez
McCollum	Pryce (OH)	Visclosky
McCrery	Regula	Walsh
McDemott	Regula	Waters
McGovern	Rodriguez	Watson
McNulty	Ross	Watt
Meek (FL)	Rothman	Waxman
Meeks (NY)	Roybal-Allard	Weiner
Menendez	Ruppersberger	Weller
Michaud	Sabo	Wexler
Millender-	Sánchez, Linda	Wicker
McDonald	T.	Wilson (NM)
Miller (NC)	Sanchez, Loretta	Wilson (SC)
Miller, George	Schakowsky	Woolsey
Mollohan	Schiff	Wynn
Moran (VA)	Scott (GA)	Young (FL)

## NOT VOTING—30

Ballenger	Lucas (OK)	Ros-Lehtinen
Cannon	McInnis	Ryan (OH)
Cardoza	Meehan	Schrock
Delahunt	Moran (KS)	Shuster
Gephardt	Nethercutt	Tanner
Goss	Peterson (PA)	Tauzin
Greenwood	Quinn	Toomey
Kanjorski	Radanovich	Towns
Langevin	Rangel	Turner (TX)
Lipinski	Reyes	Young (AK)

## ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. THORNBERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1827

Messrs. FATTAH, PEARCE and GUTIERREZ, Ms. KAPTUR, and Messrs. TIAHRT, MCCRERY, STRICKLAND and ISSA changed their vote from “aye” to “no.”

Messrs. BOEHLERT, ROGERS of Michigan, FROST, WELDON of Florida, FOSSELLA, SANDLIN, JOHN and LAMPSON, Ms. HOOLEY of Oregon, and Messrs. BURGESS, MOORE, HILL, WU, TOM DAVIS of Virginia and WELDON of Pennsylvania changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore. The Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the “Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2005”.

Mr. THOMAS. Mr. Chairman, the LoBiondo amendment to Section 221 of H.R. 5006, the “Department of Labor, Health and Human Services, and Education, and Related Agen-

cies Appropriations Act, 2005,” would make a change to Medicare Part A payment policy, and thus falls within the sole jurisdiction of the Committee on Ways and Means. Legislating on an appropriation bill is a violation of House Rules XXI, and the Committee opposes attempts to legislate on appropriation bills. However, in this case, I have worked with Representatives LOBIONDO, LOWEY and WAMP to draft the amendment being offered today to ensure that the Committee's position is addressed. The Committee on Ways and Means has long been involved in this issue and is interested in ensuring that any rule relating to the classification of inpatient rehabilitation hospitals is properly implemented and enforced. The amendment is being offered with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

Mr. OWENS. Mr. Chairman, I wish to express grave concern over a clause in this bill that would seriously erode worker protections against tuberculosis, TB, and bioterrorism. This provision prohibits the Occupational Safety and Health Administration, OSHA, from fully enforcing its respirator standard for workers at risk of exposure to TB and other deadly infections. At a time when the Bush administration is invoking daily, color-coded terrorist alerts, it makes absolutely no sense to weaken the only standard we have to protect health care workers against air-borne pathogens or air-borne “weapons of mass destruction.” By prohibiting OSHA from enforcing the annual fit test for workers' respirators or masks, that is exactly what is possible.

According to Dr. Margaret Hamburg, Vice President for Biological Programs at the Nuclear Threat Initiative, biological agents that might be used as biological weapons include small pox, pneumonic plague, and drug-resistant TB. To undercut the only protection that front-line health care workers would have to such agents—namely, their respirators—is absolutely unconscionable.

Mr. Speaker, I ask unanimous consent that a letter on this critical issue from the Director of Occupational Health and Safety at the Service Employees International Union (SEIU) be included in the RECORD at this point. I trust and hope my colleagues in the Senate will see the wisdom of opposing any such effort to weaken workers' protections against TB and bioterrorism.

## AN OPEN LETTER TO APIC MEMBERS

Dear APIC member:

I ran across your e-mail thread from my colleagues in the occupational health and safety community. As I am not an APIC member (yet), I hope that you are not offended by my taking this liberty to communicate directly with you about a manner of utmost importance to all of us who are concerned about health care worker occupational health and safety.

The APIC leadership (with AHA) have been on a crusade to undermine adequate TB and respiratory legal protections for health care workers for some time now. They are proud of their singular role in working with Congressman Roger Wicker (R-MS), whose state coincidentally is surrounded by states with some of the highest rates of TB, to kill the OSHA TB rule late last year.

Not satisfied with that “accomplishment”, APIC leadership is now determined to gut the application of the OSHA respirator standard that has been on the books for all

other chemical, biological and infectious disease agents, except TB since 1998. The reason that the respirator standard didn't apply to TB until now is because the separate OSHA TB standard (that APIC had killed) would have covered respiratory protection within the framework of a comprehensive TB rule.

As someone trained as a microbiologist and industrial hygienist working in the healthcare sector for the past 24 years, I must tell you that your APIC leadership is dead wrong to oppose annual fit testing against TB and other airborne biological hazards. I am not alone. Every labor organization that represents health care workers also supports annual fit testing, as does the Bush Administration, the American Nurses Association, American Industrial Hygiene Association and the 50,000 member American Public Health Association.

Let's look at the facts:

(1) Last year TB rates had their smallest decline in years; rates increased in twenty states.

(2) Without annual fit testing, respirator face seals will erode over time, respirators will leak, and more healthcare workers will experience TB conversions. Respirator manufacturers recommend annual fit testing for their products to work properly.

(3) The APIC leadership is misleading you when they say that the Wicker amendment is supported by CDC. This is not true. The official CDC position has never differed from OSHA's position either verbally or in writing.

(4) The official position of the Bush Administration in supporting annual fit testing, was articulated in the December 30, 2003 Federal Register OSHA notice, stating that fit testing is crucial to a proper face seal, and that over time that 5% to 50% of all workers will lose a proper face seal each year if annual fit testing is not performed.

(5) As far as the argument that there is “no difference” between a surgical mask vs. a properly fitted N95 respirator, a study conducted by Nelson Laboratories in Salt Lake City last year found that a surgical mask filtered out 61.9%–62.3% of particles in the respirable 0.3 micron range vs. 97.9%–99.7% for a properly fitted N95 respirator.

Many of you may recall the clamor of opposition against the bloodborne pathogens standard in the late 1980s. Many dentists claimed that if they wore gloves, that patients wouldn't see them. Today the opposite is the case, while the CDC reports that since the standard took effect, that hepatitis B cases among health care workers have plummeted from 17,000 a year to 400.

Today, as a result of the requirements under the bloodborne pathogens standard, many infection control professionals have more resources to do their job. The same could be the case if we work together to protect health care workers from airborne exposures to TB through annual fit testing; also conferring protections against SARS, avian flu and airborne weapons of mass destruction.

SEIU represents 1.7 million workers, with over half employed in health care, including over 100,000 nurses and 20,000 physicians. Many of our members are APIC members who vehemently disagree with the position of the current APIC leadership. I know that many other APIC members believe that their current leadership is not acting in the best interest of their membership when they work so zealously in opposition to these basic worker protections.

I respectfully suggest that APIC members learn the facts, and work to support an APIC leadership that shares our joint interests in protecting both workers and patients.

Sincerely:

BILL BORWEGEN, MPH,  
Director, Occupational Health and Safety  
Service Employees International Union.

Mr. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my opposition to the Weldon refusal clause provision.

The Weldon provision would exempt health care companies from any federal, state or local government law that ensures women have access to reproductive health services, including information about abortion.

If passed, this provision would have many negative effects.

It would override federal Title X guidelines that ensure women receive full medical information. A fundamental principle of Title X, the national family planning program, ensures pregnant women who request information about all their medical options, including abortion, be given that information, including a referral upon patient request.

I am also concerned this bill does not include an increase in funding for Title X. Each year approximately 4.5 million low-income women and men receive basic health care through 4,600 clinics nationwide that receive Title X funds. This program reduces unintended pregnancies and makes abortion less necessary. Had funding for Title X kept pace with inflation since 1980, with no additional increases, it would be funded today at double its current budget.

While Title X is receiving flat funding from last year, H.R. 5006 gives abstinence-only programs an increase of \$35 million. Unlike Title X, abstinence-only programs do not provide clinical health services.

Additionally, research shows comprehensive sex-education programs, which teach both abstinence and contraception, are the most effective. There is no federal program that earmarks dollars for comprehensive sex education.

I support a woman's right to choose whether to terminate a pregnancy subject to Roe v. Wade.

Abortion is a very personal decision. While a woman's doctor, clergy, friends, family and public officials may have an opinion, the ultimate decision rests solely with her. It is vital for every woman to have access to as much information as she needs in order to make this decision.

While I support the bill, I oppose these provisions and amendments.

Mr. ISRAEL. Mr. Chairman, I rise today with concern for our public education system. As a new school year begins on Long Island, many parents are eager to find out if their children's schools will be labeled failing or in need of improvement, assessments mandated by the federal No Child Left Behind Act. I believe this is also an ideal time for the administration and Congress to assess federal efforts to support our nation's public schools.

The Individuals with Disabilities Education Act (IDEA) and No Child Left Behind Act were landmark federal policies to ensure quality education for children with disabilities and improve learning results. Unfortunately, these well meaning efforts have been met with great controversy on the local level due to immense funding inadequacies.

The monumental No Child Left Behind Act passed Congress in 2001. It made a deal with America's public schools: in exchange for new standards of excellence, the legislation promised new federal funding. Unfortunately, the federal government has not held up its end of

the bargain. The FY05 Labor, Health and Human Service and Education Appropriations Act alone shortchanges No Child Left Behind programs by whopping \$9.5 billion, making it increasingly difficult for schools to meet new, higher standards.

In 1975, the federal government committed to pay 40 percent of the cost of educating children with disabilities. Not once have they come close to honoring this commitment. The FY05 Labor, Health and Human Service and Education Appropriations Act, which closely follows the President's funding request, provides \$2.5 billion less than what was promised for special education just last year. This keeps the federal government's share at less than 20 percent. This is shameful because fully funding IDEA would benefit every child in every classroom by providing fiscal breathing room to school districts and local tax relief to families.

The administration's support of our public schools is failing and the legislation we are debating today is in clear need of improvement. The Fiscal Year 2005 Labor, Health and Human Services and Education Act will likely pass this chamber today. It is my hope that a House/Senate conference committee will make substantial improvements in fulfilling our promise to local schools by increasing funding.

Mrs. SHAYS. Mr. Chairman, I support the fiscal year 2005 Labor, Health and Human Services, and Education Appropriations Bill, but I would like to state my concern about the funding cuts for two important programs, the Community Service Block Grant and the Social Services Block Grant.

The Community Service Block Grant funds the anti-poverty Community Action Agencies and family self-sufficiency efforts of a nationwide network of 1,100 community agencies. These organizations create, coordinate and deliver comprehensive programs and services to those living in poverty.

The Community Service Block Grant is a unique and essential resource. It provides the necessary tools for employment and training, education, housing, senior services, energy assistance, community development, health, nutrition, Head Start and other programs to help families escape and remain out of poverty.

Unfortunately, funding for this vital program has decreased since it was funded at \$650 million in 2002. This Labor, Health and Human Services, and Education Appropriations bill would fund the Community Service Block Grant at \$627.5 million. I encourage my colleagues to support restoring this program's funding in conference.

Funding for the Social Services Block Grant has also declined over the past few years.

Created in 1981, the Social Services Block Grant contributes federal funds to states for providing social services.

States have broad discretion over the funds, which are directed at increasing self-sufficiency, preventing or remedying neglect and abuse of children and adults and preserving families. The funds are used both by local governments and nonprofit organizations to meet the specific and unique needs of the local population.

In the 1996 welfare reform law, states agreed to a reduction of the Social Services Block Grant authorization from its FY 95 high of \$2.8 billion to \$2.38 billion through FY 03. In exchange, Congress allowed each state to

transfer up to 10 percent of its Temporary Assistance for Needy Families (TANF) funds into Social Services Block Grants.

In 1998, the maximum funding amount for the Social Services Block Grant was further reduced to \$1.7 billion, effective in FY 01. Today's legislation appropriates the same amount, \$1.7 billion, for FY 05.

I believe it is imperative to restore funding to the Social Services Block Grant because it is essential we preserve and strengthen the critical safety net it provides. With that being said, I appreciate Chairman REGULA's good work with limited resources and support passage of the bill.

Mr. LANGEVIN. Mr. Chairman, today I rise in support of H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act. While this bill contains many flaws, it is an unfortunate reality that we must attempt to fund important government functions within the budgetary constraints that the Administration's policies have created.

Among the many cuts, there are a few welcome funding increases in this bill. First, this bill contains an increase of \$125 million in LIHEAP funds, which is desperately needed to help my constituents keep their homes warm during the upcoming winter. As energy costs rise and the economy remains weak, more and more households need assistance to survive the harsh Northern winter. I hope more funds for this successful program are included in conference.

In addition, this legislation contains an increase of \$219 million for Community Health Centers, which provide primary and preventive health care services in medically underserved areas throughout the country, including the Providence Community Health Centers in my district. Without these facilities, numerous Americans would not have access to vital health care.

H.R. 5006 increases the national Institutes of Health budget by \$727 million to search for cures for spinal cord injuries, cancer, Parkinson's disease, Alzheimer's disease, and numerous other ailments. These funds bring us closer to treating deadly and painful diseases affecting nearly every American family. I support an additional \$500 million, as proposed in the Obey amendment, to keep pace with inflation and fund this important research.

Unfortunately, the restrictive rule did not allow an opportunity for the House to vote on the Obey amendment. This alternative would correct many of the funding shortfalls for national priorities by fully funding No Child Left Behind, Pell Grants, Perkins Loans, the Community Access Program, and numerous other health, education, and job training programs facing cuts under this bill. The Obey amendment would have been fully offset by slightly reducing the tax break for those who earn more than \$1 million per year, a small sacrifice to improve the lives of so many Americans.

I am delighted, however, that the Obey-Miller Overtime Amendment was passed by the House. This amendment would overturn the Administration's misguided overtime regulations that took effect on August 23rd, ending guaranteed overtime pay for up to 6 million workers. This regulation is an unprecedented assault on American workers and discourages businesses to hire new workers. The Obey-

Miller Amendment would guarantee that supervisory and administrative employees, including registered nurses, working foremen, salespersons, law enforcement officers, and nursery school teachers, keep the overtime pay they depend on. I hope that the conference agreement on this appropriations bill will retain this important provision to prevent the further erosion of workers' rights.

Despite the bill's shortcomings, I will be voting in favor of H.R. 5006. I commend the Ranking Member and Chairman, and the rest of the Appropriations Committee, for their work within difficult constraints. The funding level in this bill is a direct result of the fiscally irresponsible policies of the Administration, which will result in a projected record \$422 billion deficit for fiscal year 2004. I expect next year's deficit will be even higher. Deficits will continue to increase until this Administration and this Congress realize that cutting taxes for the wealthy during a time of extraordinary security demands only exacerbates the budgetary crisis. Without discipline, future generations will be saddled with the debt we are creating today. Although the bill is not perfect, I urge my colleagues to join me in a call for fiscal responsibility and support H.R. 5006, the Fiscal Year 2005 Labor, Health and Human Services, and Education Appropriations Act.

Mrs. JONES of Ohio. Mr. Chairman, I rise in opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill.

Ideology, not science, has been driving America's response to the devastating problem of teen pregnancy and STD/HIV infection. Funding for restrictive abstinence-only programs are dramatically increasing. All told, abstinence-only programs have received over half a billion dollars in federal funds since 1997, and the Bush administration requested an unprecedented increase to \$273 million in fiscal year 2005.

This huge investment of taxpayer funds in abstinence-only programs conflict with scientific and medical research: abstinence-only programs have never been proven effective and may result in riskier behavior by teenagers. Responsible sex education programs, on the other hand, have demonstrated positive results such as delayed initiation of sex, reduced frequency of sex, and increased contraceptive use.

Ideologically driven groups, not scientific or public health organizations, have pushed the proliferation of abstinence-only programs. In fact, current scientific research fails to show that abstinence-only programs are effective.

In 2001, the National Campaign to Prevent Teen Pregnancy found no credible studies of abstinence-only programs showing any significant impact on participants' initiation of or frequency of sex.

By denying adolescents complete information and by censoring teachers, abstinence-only programs endanger our youth.

Abstinence-only programs can harm teens by putting them at risk of pregnancy and STDs. Abstinence-only programs fail to provide information about contraception beyond failure rates, and, in some cases, provide misinformation. Without complete and accurate information, some teens therefore may forgo contraceptive use, jeopardizing their reproductive health.

The lack of responsible sex education puts teens at risk of pregnancy and STDs, includ-

ing HIV. One study that compared an abstinence-only program with a more comprehensive "safer-sex" program found that "only the safer-sex intervention significantly reduced unprotected sexual intercourse."

The recent explosion of federal funds for abstinence-only programs has negatively influenced schools. Almost one-third of secondary school principals surveyed reported that the federal abstinence-only funding influenced their school's sex education curriculum.

Current research indicates that more comprehensive sex education programs that discuss both abstinence and contraception have positive effects.

In 2001, the National Campaign to Prevent Teen Pregnancy concluded that sex and HIV education programs that discuss both abstinence and contraception delay the onset of sex, reduce the frequency of sex, and increase contraceptive use.

Moreover, their review of studies dispelled many of the myths attached to responsible sex education programs. In particular, the study showed that sexuality and HIV education programs that include discussion of condoms and contraception: do not hasten the onset of sexual intercourse; do not increase the frequency of sexual intercourse; and do not increase the number of sexual partners.

The National Academy of Sciences' Institute of Medicine concluded that sex education and condom availability programs in schools do not increase sexual activity among teenagers.

Teaching our children about abstinence is a critical part of a well-rounded and effective sex education program. But abstinence by itself is not sufficient. Young people deserve complete and accurate information about their reproductive health, including abstinence, pregnancy prevention, and STD/HIV prevention. Only when teens have reliable information about their reproductive health can they make informed and appropriate decisions.

Given the high stakes facing teens, the fact that almost half of all teens aged 15 to 19 years old in the United States have had sex, and the absence of research showing that abstinence-only programs are effective, "Just Say No" efforts are misleading at best, and dangerous at worst. Congress should enact policies that effectively and responsibly address the current crisis in adolescent reproductive health. Federal funds should be directed at responsible sex education programs that provide teen with the information and skills they need to protect themselves and that have demonstrated positive results.

Mr. Chairman, I rise to reiterate my opposition to increased funding for 'abstinence-only' programs under the Labor-HHS-Education Appropriations bill and the blatant assault on a woman's right to choose.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise in reluctant support of the Labor-HHS-Education Appropriations bill for Fiscal Year 2005.

I say reluctant, because while there are some good things in the bill, it is lacking due to the fact that the House Republican leadership has failed to reach a budget agreement with the Senate Republican leadership. As a result, the bill before us has an inadequate budget allocation for the important health and human services programs it funds.

While Democrats have reluctantly supported appropriations bills this year in order to move the process forward, we all recognize they are woefully inadequate based on the needs of

the country. Nevertheless, my support of this bill is based on the fact that Chairman RALPH REGULA and Chairman BILL YOUNG are to be commended for the work they have done with the unrealistic budget limits they have been given, and the fact that I appreciate Chairman REGULA including in the bill and report several important items I highlighted during our subcommittee hearings.

First, the bill contains an increase for the national folic acid education program. Representative JO ANN EMERSON and I were the authors of this program that was established by the Children's Health Act of 2000. Severe brain and spinal defects have dropped 27 percent in the U.S. since the government, in 1998, began requiring makers of cereal, pasta, bread and flour to fortify their foods with folic acid. However, a national public and health professions education campaign designed to increase the number of women taking folic acid daily is still imperative to eliminate these birth defects.

Second, language was included commending the Secretary of Health and Human Services for establishing an interagency committee on underage drinking and moving forward with a national media campaign, to be conducted by the Ad Council, to combat underage drinking. I feel certain that the final bill will include funding for the second year of this important national media campaign. These significant accomplishments by the department and by the Substance Abuse and Mental Health Services Administration acting as the lead agency, stem from a bipartisan effort that I have been proud to lead with Representatives FRANK WOLF, ROSA DELAURO, ZACH WAMP, and TOM OSBORNE and supported by Senators MIKE DEWINE and CHRIS DODD.

Also, a number of other issues have been addressed in our report, including the migrant and seasonal head start program, farmworker housing programs, a pending regulation in the Department of Labor regarding personal protective equipment for employees, and newborn screening initiatives. I ask the various departments to pay close attention to the committee's directives on these important subjects and the issues they raise based on the experiences of the many affected constituent groups and the input from the administration during budget oversight hearings.

In the end, however, this bill will be evaluated on the resources it provides to the many deserving programs within our subcommittee's jurisdiction. And unfortunately, due to the budget constraints I have already mentioned, the bill in front of us shortchanges some of the very programs and the very needs that so many witnesses told us about in their testimony.

For example, Congress and the President made a commitment to our nation's children though the No Child Left Behind legislation passed with so much fanfare two years ago. Unfortunately, against the backdrop of record school enrollments, unprecedented federal education accountability requirements, and rising demand for college assistance, the bill provides only a 3.6 percent increase for the Department of Education's discretionary programs. No Child Left Behind is actually cut \$120 million below the Administration's request, and the bill provides \$9.5 billion less than the funding promised by the No Child Left Behind authorization. While 4-year public colleges and universities have experienced an

average 26 percent tuition increase in the last two years, the bill freezes the maximum Pell Grant for low-income college students at \$4,050.

Training America's work force is the key to competing in a global economy, and training is also essential to prevent the loss of American jobs to competitors overseas. Despite a loss of 1.8 million private sector jobs since President Bush took office, the bill provides \$40 million less than last year for employment and training assistance programs administered by the Department of Labor.

Health programs point out the real dilemma in our bill. Although the bill does substantially increase funding for community health centers, global disease detection, AIDS drug assistance, and chronic disease prevention, a number of other programs are cut including rural health outreach grants, health training programs in primary care medicine and dentistry, the Maternal and Child Health Block Grant, and the Preventive Health and Health Services Block Grant. Funding for the National Institutes of Health is increased, but the 2.6 percent increase is the smallest in 19 years and less than the 3.5 percent increase estimated to cover inflation costs for biomedical research.

Democrats don't just criticize, however. We offered revisions to the budget resolution that would have allowed this bill to make a greater investment in education, health care, and medical research. When the bill was considered by the subcommittee and the full Appropriations Committee, we again offered amendments to add \$7.4 billion to the bill by reducing by 30 percent the 2005 tax cuts for people with incomes over \$1 million. In fact, polls consistently show that the American public is far more interested in preserving important education and health priorities than in tax cuts that benefit primarily the rich.

I agree with the common-sense approach to this problem that has been consistently laid out by Ranking Member DAVID OBEY. Let's simply reduce—not eliminate, but reduce—the tax break we give to millionaires—those with adjusted incomes greater than \$1 million. By doing so we can increase Title I, add funding for No Child Left Behind programs, maintain college affordability by raising Pell grants, shore up our health safety net programs, rebuild our public health system to respond to disease outbreaks and possible terrorist attacks.

But these fiscally responsible efforts by Mr. OBEY and other Democrats have been defeated by the Republican majority at each turn, resulting in the bill we are considering today.

The bill before the House is governed by a rule that prevents us from having these choices because the Republican leadership knows that given the opportunity this House would vote overwhelmingly to adequately fund this bill.

The Labor-HHS-Education bill, which is one of the most important bills that comes out this House, contains the most deserving programs administered by the federal government in support of the well-being of our people. These programs are also cost-effective in providing worker training and protection, helping to educate our children from Head Start to Pell grants, and in contributing to a healthy populace through our public health system and health safety net programs.

The bill in front of the House today is the best that can be done under the circumstances. But it does not reflect the aspirations of American society. I believe we can do more for America's children, America's workers, and America's future. Although I will support this bill today, I will continue to work with my colleagues on the Appropriations Committee and in the House to look for opportunities before we complete our work this year so that the future of America's children and America's families will be bright.

Mr. NUSSLE. Mr. Chairman, I rise in support of H.R. 5006, the Labor/HHS Appropriations Bill for FY 2005, and to inform members that this bill is in compliance with the budget resolution for FY 2005 as applied to the House by H. Res. 649.

H.R. 5006 provides \$142.5 billion in new budget authority and \$141.1 billion in new outlays for programs within the Departments of Labor, Health and Human Services, Education, and related agencies. This funding level represents an increase of \$2.8 billion in BA and \$3.9 billion in outlays over last year. That is a 2 percent increase over FY 2004 levels. This reflects the need to restrain the rate of increase for non-defense, non-homeland security domestic discretionary programs which provided the overall policy framework for this year's budget resolution.

H.R. 5006 complies with the budget act because the spending levels it contains do not exceed the subcommittee's 302(b) suballocation of new budget authority. Additionally, the bill is in compliance with requirements that it not exceed aggregate spending levels established in the budget resolution. Finally, the bill also complies with restrictions on advance appropriations.

Regarding this last point, the Budget Resolution for FY 2005 places a total limit for advance appropriations in FY 2006 at \$23.2 billion. The bill before us today will consume the vast majority of those funds, since it provides for \$19.275 billion in FY 2006 advance appropriations. All of the accounts for which advance appropriations are made in this bill are listed as eligible within the budget resolution. Since no advance appropriations have as yet been enacted, the bill does not cause a breach of this limit. However, the House should be aware that only \$4 billion will remain available for advance appropriations should this bill be enacted.

I commend the Committee on Appropriations for bringing us a bill that funds many priority programs which Members care about while living within our means in an era requiring tougher fiscal discipline. The bill increases Department of Education funding by \$2 billion over last year, and includes a billion dollar increase for Special Education, bringing funding for IDEA to its highest level in history. This is over three times more funding than Special Education received in 1995, and this is an accomplishment that we in the Budget Committee have helped to bring about through past budget resolutions which assumed substantial increases for special education.

Additionally, the bill continues the commitment that the House has made to the National Institutes for Health, providing \$727 million more than last year. Worker retraining and dislocated worker assistance programs are also restored and augmented, which should help us continue to expand employment and ensure that Americans who want to work will be

able to find good jobs. This is a responsible bill which fulfills our commitments to the public while living within the constraints of difficult fiscal times.

The CHAIRMAN pro tempore. If there are no further amendments, under the rule the Committee now rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. THORNBERRY, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 5006) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2005, and for other purposes, pursuant to House Resolution 754, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 388, nays 13, not voting 32, as follows:

[Roll No. 440]

YEAS—388

Abercrombie	Boyd	Cramer
Ackerman	Bradley (NH)	Crane
Aderholt	Brady (PA)	Crenshaw
Akin	Brady (TX)	Crowley
Alexander	Brown (SC)	Cubin
Allen	Brown, Corrine	Culberson
Andrews	Brown-Waite,	Cummings
Baca	Ginny	Cunningham
Bachus	Burgess	Davis (AL)
Baird	Burns	Davis (CA)
Baker	Burr	Davis (FL)
Baldwin	Burton (IN)	Davis (IL)
Barrett (SC)	Butterfield	Davis (TN)
Barton (TX)	Buyer	Davis, Jo Ann
Bass	Calvert	Davis, Tom
Beauprez	Camp	Deal (GA)
Becerra	Cantor	DeFazio
Bell	Capito	DeGette
Berkley	Capps	DeLauro
Berman	Capuano	DeLay
Berry	Cardin	DeMint
Biggert	Carson (IN)	Deutsch
Billirakis	Carson (OK)	Diaz-Balart, M.
Bishop (GA)	Carter	Dicks
Bishop (NY)	Case	Dingell
Bishop (UT)	Castle	Doggett
Blackburn	Chabot	Dooley (CA)
Blumenauer	Chandler	Doolittle
Blunt	Chocola	Doyle
Boehlert	Clay	Dreier
Boehner	Clyburn	Duncan
Bonilla	Coble	Dunn
Bonner	Cole	Edwards
Bono	Collins	Ehlers
Boozman	Conyers	Emanuel
Boswell	Cooper	Emerson
Boucher	Costello	Engel



English Lampson  
 Eshoo Lantos  
 Etheridge Larsen (WA)  
 Evans Larson (CT)  
 Farr Latham  
 Fattah LaTourette  
 Feeney Leach  
 Ferguson Lee  
 Filner Levin  
 Foley Lewis (CA)  
 Forbes Lewis (GA)  
 Ford Lewis (KY)  
 Fossella Linder  
 Frank (MA) LoBiondo  
 Frelinghuysen Lofgren  
 Frost Lowey  
 Gallegly Lucas (KY)  
 Garrett (NJ) Lynch  
 Gerlach Majette  
 Gibbons Maloney  
 Gilchrest Manzullo  
 Gillmor Markey  
 Gingrey Marshall  
 Gonzalez Matheson  
 Goode Matsui  
 Goodlatte McCarthy (MO)  
 Gordon McCarthy (NY)  
 Goss McCollum  
 Granger McCotter  
 Graves McCrery  
 Green (TX) McDermott  
 Green (WI) McGovern  
 Grijalva McHugh  
 Gutierrez McIntyre  
 Gutknecht McKeon  
 Hall McNulty  
 Harman Meek (FL)  
 Harris Meeks (NY)  
 Hart Menendez  
 Hastings (FL) Mica  
 Hastings (WA) Michaud  
 Hayes Millender  
 Hayworth McDonald  
 Herger Miller (MI)  
 Herseeth Miller (NC)  
 Hill Miller, Gary  
 Hinchey Miller, George  
 Hinojosa Mollohan  
 Hobson Moore  
 Hoeffel Moran (VA)  
 Hoekstra Murphy  
 Holden Murtha  
 Holt Musgrave  
 Honda Myrick  
 Hooley (OR) Nadler  
 Houghton Napolitano  
 Hoyer Neal (MA)  
 Hulshof Neugebauer  
 Hunter Ney  
 Hyde Northup  
 Inslee Norwood  
 Isakson Nunes  
 Israel Nussle  
 Issa Oberstar  
 Istook Obey  
 Jackson (IL) Olver  
 Jackson-Lee Ortiz  
 (TX) Osborne  
 Jefferson Ose  
 Jenkins Otter  
 John Owens  
 Johnson (CT) Oxley  
 Johnson (IL) Pallone  
 Johnson, E. B. Pascrell  
 Johnson, Sam Pastor  
 Jones (OH) Payne  
 Kaptur Pearce  
 Keller Pelosi  
 Kelly Pence  
 Kennedy (MN) Peterson (MN)  
 Kennedy (RI) Petri  
 Kildee Pickering  
 Kilpatrick Pitts  
 Kind Platts  
 King (IA) Pombo  
 King (NY) Pomeroy  
 Kingston Porter  
 Kirk Portman  
 Kleczka Price (NC)  
 Kline Pryce (OH)  
 Knollenberg Putnam  
 Kolbe Rahall  
 Kucinich Ramstad  
 LaHood Rangel

## NAYS—13

Bartlett (MD) Hefley  
 Flake Hensarling  
 Franks (AZ) Hostettler

Regula  
 Rehberg  
 Renzi  
 Reynolds  
 Rodriguez  
 Rogers (AL)  
 Rogers (KY)  
 Rogers (MI)  
 Ross  
 Rothman  
 Roybal-Allard  
 Ruppersberger  
 Rush  
 Ryan (WI)  
 Ryun (KS)  
 Sabo  
 Sanchez, Linda  
 T.  
 Sanchez, Loretta  
 Sanders  
 Sandlin  
 Saxton  
 Schakowsky  
 Schiff  
 Scott (GA)  
 Scott (VA)  
 Sensenbrenner  
 Serrano  
 Sessions  
 Shadegg  
 Shaw  
 Shays  
 Sherman  
 Sherwood  
 Shimkus  
 Simmons  
 Simpson  
 Skelton  
 Slaughter  
 Smith (MI)  
 Smith (NJ)  
 Smith (TX)  
 Smith (WA)  
 Snyder  
 Solis  
 Souder  
 Spratt  
 Stark  
 Stearns  
 Stenholm  
 Strickland  
 Stupak  
 Sullivan  
 Sweeney  
 Tauscher  
 Taylor (MS)  
 Taylor (NC)  
 Terry  
 Thomas  
 Thompson (CA)  
 Thompson (MS)  
 Thornberry  
 Tiahrt  
 Tiberi  
 Tierney  
 Turner (OH)  
 Udall (CO)  
 Udall (NM)  
 Upton  
 Van Hollen  
 Velázquez  
 Visclosky  
 Vitter  
 Walden (OR)  
 Walsh  
 Wamp  
 Waters  
 Watson  
 Watt  
 Waxman  
 Weiner  
 Weldon (FL)  
 Weldon (PA)  
 Weller  
 Wexler  
 Whitfield  
 Wicker  
 Wilson (SC)  
 Wolf  
 Woolsey  
 Wu  
 Wynn  
 Young (FL)

Miller (FL)  
 Paul

Rohrabacher  
 Royce

Tancredo  
 Wilson (NM)

## NOT VOTING—32

Ballenger  
 Brown (OH)  
 Cannon  
 Cardoza  
 Cox  
 Delahunt  
 Diaz-Balart, L.  
 Everett  
 Gephardt  
 Greenwood  
 Kanjorski  
 Langevin  
 Lipinski  
 Lucas (OK)  
 McInnis  
 Meehan  
 Moran (KS)  
 Nethercutt  
 Peterson (PA)  
 Quinn  
 Radanovich  
 Reyes  
 Ros-Lehtinen  
 Ryan (OH)  
 Schrock  
 Shuster  
 Tanner  
 Tauzin  
 Toomey  
 Towns  
 Turner (TX)  
 Young (AK)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. HASTINGS of Washington) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1844

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BROWN of Ohio. Mr. Speaker, on rollcall No. 440, had I been present, I would have voted "yea."

## PERSONAL EXPLANATION

Mr. NETHERCUTT. Mr. Speaker, I was unavoidably detained due to a prior obligation and missed the following votes. Had I been present I would have voted "yea" on Rollcall Vote No. 422 on agreeing to the motion to suspend the rules and pass H.R. 4381; "yea" on Rollcall Vote No. 423 on agreeing to the motion to suspend the rules and pass H.R. 4556; "yea" on Rollcall Vote No. 424 on ordering the previous question on H. Res. 754; "nay" on Rollcall Vote No. 425 on agreeing to the Jackson-Lee amendment to H.R. 5006; "nay" on Rollcall Vote No. 426 on agreeing to the Jackson-Lee amendment to H.R. 5006; "yea" on Rollcall Vote No. 427 on agreeing to the Sanders amendment to H.R. 5006; "nay" on Rollcall Vote No. 428 on agreeing to the Hefley amendment to H.R. 5006; "yea" on Rollcall Vote No. 429 on agreeing to the George Miller amendment to H.R. 5006; "yea" on Rollcall Vote No. 430 on the motion that the Committee rise; "yea" on Rollcall Vote No. 431 on agreeing to H. Res. 757; "nay" on Rollcall Vote 432 on the motion to instruct conferees; "yea" on Rollcall Vote No. 433 on the motion to suspend the rules and pass S. 2634; "yea" on Rollcall Vote No. 435 on agreeing to the Hayworth amendment to H.R. 5006; "yea" on Rollcall Vote No. 436 on agreeing to the Kildee amendment to H.R. 5006; "nay" on Rollcall Vote No. 437 on agreeing to the Stark amendment to H.R. 5006; "nay" on Rollcall Vote No. 438 on agreeing to the Paul amendment to H.R. 5006; "nay" on Rollcall Vote No. 439 on agreeing to the Hayworth amendment to H.R. 5006; and "yea" on Rollcall Vote No. 440 on passage of H.R. 5006.

REPORT ON H.R. 5041, DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 2005

Mr. WALSH, from the Committee on Appropriations, submitted a privileged

report (Rept. No. 108-674) on the bill (H.R. 5041) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes, which was referred to the Union Calendar and ordered to be printed.

The SPEAKER pro tempore. Pursuant to clause 1, rule XXI, all points of order are reserved on the bill.

ELECTION OF MEMBER TO COMMITTEE ON AGRICULTURE AND COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. DREIER. Mr. Speaker, I offer a resolution (H. Res. 762), and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 762

*Resolved*, That the following Member be and is hereby elected to the following standing committees of the House of Representatives:

Committee on Agriculture: Mr. Alexander.  
 Committee on Transportation and Infrastructure: Mr. Alexander.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I understand the leader had to leave early to catch a plane. So for the purpose of inquiring of the chairman of the Committee on Rules the schedule for the coming week, I yield to the gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, let me say the House has completed its work for today and the week and will convene on Monday at 12:30 p.m. for morning hour and 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of this week. Any votes called on those measures will be rolled until 6:30 p.m.

On Tuesday and Wednesday, we expect to consider additional legislation under suspension of the rules. We also plan to consider two bills under a rule: H.R. 5025, the fiscal year 2005 Transportation, Treasury, and independent agencies appropriations bill; and H.R. 4571, the Lawsuit Abuse Reduction Act.

In addition, Mr. Speaker, we will consider several other litigation reform bills: H.R. 3369, the Nonprofit Athletic

Organization Protection Act; H.R. 1787, the Good Samaritan Volunteer Fire-fighter Assistance Act; and H.R. 1084, the Volunteer Pilot Organization Protection Act.

□ 1845

Finally, I would like to remind Members that the Jewish High Holiday of Rosh Hashanah occurs at the end of next week. We will not have votes on either Thursday or Friday. We expect to finish voting on Wednesday in the early afternoon.

Mr. Speaker, I thank my friend for yielding. I am happy to respond to any questions he might have.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that information.

I might ask, and I know it will be the leader and the leader's office, but part of the leader's distinguished staff is on the floor, so he will hear us. I know my friend from California will be appreciative of this.

As I understand it, one of the planes to California is at 2:55, or late, just before 3. This says "early afternoon." The request on our side has been that if we could try to conclude by 1:30 so they could get from here to Dulles in time to catch that plane, so, of course, they could get home by sunset, if we could try to do that?

Mr. DREIER. If the gentleman will yield further, obviously there is a great desire to ensure that Members who will be marking the holiday have the opportunity to do that, so we will do everything that we can to see that Members are able to get the earliest flights possible.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman.

With today's vote, the House and the Senate have now both gone on record in a bipartisan fashion in overruling the overtime regulations which were perceived obviously by a majority of the House and a majority of the other body as putting at risk millions of Americans losing their overtime.

In light of the fact that the House has passed that and the Senate has also passed it, not in the same bill, can we expect, does the gentleman think, that the conference report will reflect the views of both Houses? We are very hopeful, of course, that that will be honored by the conference committee.

I would be glad to yield further.

Mr. DREIER. Mr. Speaker, I thank my friend for yielding. Let me say it is obviously impossible to determine exactly what a joint House-Senate conference will do on any issue, but it is clear that the votes cast in both Houses will be taken into the mix as the conference would proceed with its work.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's observation. Our concerns, of course, as the gentleman can well imagine, are based upon the fact that, for instance, in the air traffic controller situation, both Houses of the Congress overwhelmingly, almost unanimously, directed

that they not be outsourced or privatized. Notwithstanding that, that was dropped from the conference report.

So we would just, on behalf of the minority, strongly request that the majority vote, bipartisan vote, in the House, be supported by our conferees. That is not a motion to instruct. It was a very strong vote, almost 40 of the majority, of the Republicans, and an overwhelming majority of Democrats. I hope that would be honored.

I yield further to the gentleman from California.

Mr. DREIER. Mr. Speaker, I thank the gentleman for yielding further. Let me say obviously that vote did not go unnoticed, and the gentleman's request clearly will be taken into the mix. But, again, it is impossible to determine exactly what a conference would do. This House will have an opportunity to vote on that conference report, if that is in fact what we do end up with.

Mr. HOYER. Reclaiming my time, I appreciate the gentleman's remarks.

Next week, the gentleman indicated, and we knew this was going to be on the schedule, the Transportation-Treasury appropriations bill will be on the floor. That is the 12th of 13 appropriations bills to be considered by the House, leaving only the VA-HUD bill to be the last to be brought to the floor.

The first question, and this may be unfair because this does not fall within your expertise, but perhaps you can be advised. When do you expect the VA-HUD bill, if there is an indication of when that might be on the floor?

Mr. DREIER. We right now are in the process of outlining the plan for next week, and, as I know my friend just observed, the chairman of the subcommittee, the gentleman from New York (Mr. WALSH) just filed the VA-HUD bill; and we will obviously be considering it just as quickly as we possibly can.

Mr. HOYER. Mr. Speaker, I thank the gentleman for that observation. I will tell the gentleman that the joint leadership, the Speaker, the gentleman from Texas (Mr. DELAY), the gentleman from Missouri (Mr. BLUNT), the leader, the gentlewoman from California (Ms. PELOSI), and myself were at the White House earlier this week, as the gentleman probably knows, and met with the President. But the chairman of the Committee on Appropriations in the other body observed that we may hold over 11 of the appropriation bills until next year. Now, that is a process that we have followed in the last 2 years because we have obviously passed the majority of appropriations bills in the year after the fiscal year began, in January and February, as the gentleman recalls.

I am wondering, can the gentleman tell me, if we have some 3 weeks left, are we contemplating the passage of the 13 appropriations bills prior to adjournment, or are we planning on a continuing resolution or an omnibus appropriation bill of some type?

Mr. DREIER. Mr. Speaker, if the gentleman will yield further, and I thank the gentleman for yielding, let me say obviously we are going to do everything that we possibly can to work in a bipartisan way to ensure that we complete this very important appropriations work just as quickly as possible. It is too early to make a determination as to whether or not we would possibly have an omnibus bill or a continuing resolution, but we feel very strongly about the need to get the work done this calendar year, within the operations of the 108th Congress, and not proceed into next year with this work. So we are going to strive to meet that, and I think that the gentleman will want to work closely with us as we pursue that goal.

Mr. HOYER. Reclaiming my time, the gentleman is correct, we will want to work closely with you to accomplish that goal.

Let me ask you an additional question raised by your response. Would there be in the realm of contemplation on the majority side a lame duck session? When you refer to this calendar year, as I said, we have 3 weeks, maybe 4, I am not sure how long the majority intends to go prior to recessing or adjourning for the election, but does the majority, if the gentleman knows, contemplate the possibility of a lame duck session?

Mr. DREIER. Let me say that we obviously have heard a great deal of speculation about that from a wide range of sources; and while it is a possibility, I think that everyone would like to have the work of the 108th Congress completed before we adjourn for the election. But at this juncture, we have to see what will take place in the next few weeks to make that final decision as to whether or not we would come back in a lame duck session.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman. Reclaiming my time, I would simply request that, realizing the vagaries of the legislative process make it difficult to determine, but just as obviously Members will be making up schedules for the post-election period, either to take time off after the election or for other family-related matters or district matters that they might have. The sooner we might give them notice of that, obviously the more helpful on both sides of the aisle that would be.

Mr. DREIER. If the gentleman would yield on that, I would simply say that it is the intention for the organization for the 109th Congress to take place beginning the week of November 15th. That would be a time when Members would be here in Washington as we begin our preparation for the next Congress.

I am not going to say anything further on that, other than to throw out that is the date for the organization for the Democratic Caucus and the Republican Conference.

Mr. HOYER. I thank the gentleman for that response.

This week, after a long August recess, bipartisan bills were introduced to implement the recommendations of the 9/11 Commission with regard to reorganizing the intelligence operations of our country in order to better protect our people and our country. Earlier this week we met, as I said to the gentleman, with the President, who asked us to send him legislation quickly.

The reason for my question is, the Democratic leader, after requesting participation by your side of the aisle and a determination was made not to participate, introduced legislation drafted to incorporate the recommendations of the 9/11 Commission. In addition to that, Mr. MCCAIN and Mr. LIEBERMAN have introduced legislation in the Senate. Mirror legislation has been introduced by a Member on your side and a Member on our side as well.

The President, as you know, changed his position on the budget authority for the National Intelligence Director and apparently now supports that, so there may well be good bipartisan White House-congressional agreement.

Clearly the American public are very concerned about this, we are very concerned about it, and I know the gentleman is very concerned about it. We want to put our intelligence community in the best possible posture, as the 9/11 Commission recommended, to respond to the terrorist threat to this country.

My question is, therefore, sir, can we expect, do you think, to perhaps take the bipartisan bills that have been introduced in both the Senate and the House, mirror images of one another, and work on those bills and pass them prior to the time that we either recess or adjourn prior to the election?

Mr. DREIER. Mr. Speaker, if the gentleman will yield, and I thank the gentleman for yielding, let me say we were all very impressed in a bipartisan way when the report of the 9/11 Commission came forward. We know that President Bush has already, through executive order, implemented many aspects of the 9/11 Commission report.

The gentleman also is aware of the fact that immediately upon release of that report, the Speaker of the House called on the chairmen and ranking minority members of numerous committees here in the House, over a half dozen committees, called on them to hold hearings. There were 25 hearings held in the House of Representatives during the August district work period, and I believe that some very important information came forward.

One of the goals that the Speaker has set forth is to ensure that we do proceed with legislation. He very much wants to, before we adjourn in October, see the passage of legislation. Exactly what shape that will take is, of course, up to the legislative process that we have here. We are very well aware of the fact that we have seen the introduction of the 9/11 Commission report,

and we know that a lot of people are thinking about that.

I will say that I am particularly honored, as I know the gentleman is, that a Member of this body, the former chairman of the Permanent Select Committee on Intelligence and vice chairman of the House Committee on Rules, has been nominated to be the director of Central Intelligence. He has obviously spent a great deal of time on this, and many of our colleagues have expertise on this.

So we will in the coming weeks I hope be able to fashion legislation so that the goal that the Speaker has set forth of passage of legislation before we adjourn in October will come to fruition.

I thank my friend for yielding.

Mr. HOYER. Mr. Speaker, I thank the gentleman for those comments. We are hopeful that we can in fact work together in a bipartisan fashion, as seems to be started by the Senate and in this House as well, to accomplish the objective of the early passage of a reorganization to make us better to respond to the terrorist threat to this country. We hope that that will happen.

Mr. Speaker, I thank the gentleman for his comments.

#### ADJOURNMENT TO MONDAY, SEPTEMBER 13, 2004

Mr. DREIER. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 12:30 p.m. on Monday next for morning hour debate.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from California?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DREIER. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

□ 1900

#### SPECIAL ORDERS

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

#### RESTORING FREEDOM OF SPEECH TO AMERICA'S HOUSES OF WORSHIP

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor today, as I was prior to the August break, to talk about freedom of speech in our churches and synagogues and mosques of this country.

Many people do not realize that from the beginning of this great Nation, until 1954, there was never any restriction of what a minister or a priest or a rabbi might say regarding policy issues, political issues, and actually making reference to the teachings in the Bible and the Torah. But what has happened over the last few years is that there is an element in this country, usually it is the Americans for Separation of Church and State, which is a metaphor, that seem to want to monitor what is being said in our churches and synagogues. This year it seems to be worse than ever before.

I want to start my brief remarks about Bishop Smith, a Catholic bishop in New Jersey. On March 27 at St. James Church, Bishop Smith asked why, in our presumably democratic country, Catholic churches fear that the Internal Revenue Service will punish them if they speak out on a politician's positions on issues. I further quote Bishop Smith: "The first amendment protects the free exercise of religion. Separation of church and state does not mean that the church and its members should not voice or advocate for their positions."

I say that, Mr. Speaker, because there is a real problem in this country.

About 2 months ago, Bishop Sheridan, the Catholic bishop of Colorado Springs, sent a pastoral letter to the 120,000 Catholics in his diocese, and it was a pastoral letter. He mentioned in the letter that the Catholic Church stands for protecting the unborn, opposed to euthanasia, opposed to stem cell research, and believes that marriage should be between one man and one woman. In this pastoral letter he said nothing about Mr. KERRY or Mr. Bush, but because he did use the word prolife, Mr. Lynn, Barry Lynn, director of the Americans For Separation of Church and State, wrote a letter and complained to the Internal Revenue Service that the bishop and the church should lose its tax-free status.

Well, let me explain very quickly. I have done 4 years of research on this issue, and this is my fourth year of putting a bill in to return the freedom of speech to our churches and synagogues. What I found out was that in 1934 when the Congress decided that the churches could qualify for the 501(c)(3) status, they had no restriction of speech, absolutely none, zero. But what happened is in 1954, Lyndon Baines Johnson had the H.L. Hunt family opposed to his reelection to the Senate, and the H.L. Hunt family had 2 501(c)3s; not churches, but think tanks. And Senator Johnson put in an amendment on a revenue bill going through the Senate in 1954 that was never debated, no hearings, that basically had

unintended consequence for our churches and synagogues. I share that just to give a little bit of the history.

Let me give two more examples before I close. In Kansas, the American Center for Separation of Church and State has a subgroup called the Main Street Coalition based in Johnson County, Kansas. It is sending recruits into area churches to see if IRS guidelines, which come from the Johnson amendment, are being followed. The group, which bills itself as a committee for the separation of church and state, is concerned that local clergymen might be violating their tax-exempt status by endorsing candidates for elected office.

What prompted the campaign was a public meeting where an evangelical minister spoke out against homosexual marriage. They were Protestant churches, by the way. Catholic League president William Donohue is wary of the group's tactics and released the following statement. "To conduct a covert operation in houses of worship for the purpose of monitoring homilies or sermons is not the kind of operation conducted by friends of the first amendment." I am not reading the complete statement, but part of the statement.

Let me go further with one more example, and then I will conclude my remarks.

In the Baptist Church in Arkansas, Pastor Ronnie Floyd did not have a sermon, but actually at the end of church had a little flyer that he handed out, and there was a picture of George Bush and JOHN KERRY, and he just mentioned not who to vote for, but just two issues, one being the marriage between man and woman, the other about partial-birth abortion, and because the photograph was a little bit larger of President Bush, he filed a complaint with the IRS.

Mr. Speaker, I see my time is about up, and I want to close this way. This Nation's greatness is due to the fact that we have men and women overseas now fighting and dying for freedom for the American people. If this country is going to remain morally strong, then we must, we must return the first amendment right to our houses of worship, both Catholic, Protestant, Muslim and also Jewish.

#### SMART SECURITY AND THE GLOBAL WAR ON TERROR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this week, when Vice President CHENEY was talking about terrorism, he told the audience something that I consider to be absolutely appalling. He said, "It is absolutely essential on November 2nd that Americans make the right choice, because if we make the wrong choice, then the danger is that we'll get hit again."

The White House would like the American people to believe that President Bush is the only person capable of confronting terrorism, even though his record has proven otherwise. They employ fear as a campaign tactic, claiming that a vote for JOHN KERRY and JOHN EDWARDS is a vote for the terrorists. This misleading connection, besides insulting the intelligence of the American people, raises a very important question: If Presidents are singularly responsible for terrorist attacks that happen on their watch, was President Bush responsible for the attacks on September 11?

While I believe that President Bush was not responsible for the events of 9/11, he is responsible for the failure to truly secure America after 9/11.

Three years ago, after the worst attacks on American soil in our Nation's history, the United States had the support of nearly all other countries in our fight against terrorism. With the anniversary of the September 11 attacks approaching, now is a good time to consider whether we have made progress in the global war on terror over the last 3 years.

Last week in Russia, Chechen terrorists shocked the world when they took 1,200 hostages at a school and killed over 300 of them, most of them children. I ask you, what is humanity becoming? We have to stop this. What a terrible tragedy. Surely there must be a better way. There must be a smarter way.

In Sudan, thousands of Sudanese Africans have been subjected to a horrific campaign of rape, looting, and ethnic cleansing driven by a militia that has the tacit support of the Sudanese Government. More than 30,000 people have needlessly been killed as a result of this campaign of genocide terror. Much more needs to be done, and despite almost unanimous passage of a House resolution calling upon the Secretary of State, the U.S. Agency for International Development, and the U.N. to immediately address this issue, it is still not being completed.

There has to be a better way, a smarter way, a smarter course of action dictated not by what is politically pragmatic, but by what is good and by what is right. And there is such a course of action.

I have introduced H. Con. Res. 392 to create a SMART security platform for the 21st century. SMART stands for Sensible, Multilateral American Response to Terrorism.

SMART security fights terrorism with stronger intelligence and multilateral partnerships than the Bush administration, and it does so without endangering our alliances around the world. It treats war as an absolute last resort.

SMART security controls the spread of weapons of mass destruction with aggressive diplomacy, strong regional security arrangements, and vigorous inspection regimes. It invests in the development of impoverished nations to

prevent the kind of terrorism occurring in Sudan and Chechnya from ever taking root in the first place.

President Bush thinks the best way to fight terrorism is to confront it head on by possessing bigger weapons and being stronger than the terrorists. But that only addresses the symptoms of the disease and certainly does not ensure a 100 percent success rate.

In order to truly defeat terrorism, we need to confront its root causes: poverty, despair, and unfair allocation of resources in so many underdeveloped nations around the world. SMART security will protect America and the world by addressing not just acts of terrorism, but also the reasons why terrorism exists. In the end, SMART security is smart, and it will keep America safe.

#### HONORING MS. MARTHA WYLLIE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. NORWOOD) is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, before I start my remarks, which will be a great pleasure to do, I would like to bring to the attention of my colleagues that just less than 5 minutes ago, the gentleman from North Carolina (Mr. JONES) took the floor, and I would just like to associate myself with his eloquent remarks and just absolutely, totally agree with him, that the first amendment should absolutely take effect in all of our churches around this country. So I congratulate the gentleman from North Carolina (Mr. JONES) and hope we can do something about it this year.

I rise today for one of those very nice things we get to do, and that is to talk about somebody really special and really nice. I want to recognize the outstanding dedication and the compassion and the achievements on this floor of Ms. Martha Wyllie. Taking an active role in our community while greatly enriching the lives of those who come in contact with her describes how we in Georgia regard Martha Wyllie.

Interestingly enough, Martha was born in Bangor, Maine, and lived in a private orphanage until she was adopted at 9 months of age. Her next home was in Massachusetts where she went through her schooling and college work, graduating from Lesley Teaching College in Cambridge, Massachusetts.

Her interests and talents began to show up at the age of 4 when she sat down at the piano and played a song for her mother that she had just heard on the radio. Music lessons then, of course, began at age 5, which were taught by her mother until she advanced to the Conservatory of Music Teachings and traveled to numerous States playing with their symphony orchestras from age 10 to 17.

Throughout these formative years, she was also involved in school sports and a member of the Brownies and the

Girl Scouts. It was while she was a Girl Scout at the age of 12 that she became involved in activities with the local Sunshine Camp for the Blind. From there she began teaching songs to the blind, piano to younger children, and became a summer camp counselor and taught horseback riding lessons.

Martha married right out of college, and she and her husband recently celebrated their 44th wedding anniversary. They have two married children and three grandchildren. Moving to Georgia in 1975, as the children grew, she became so very involved in our community.

□ 1915

She has been involved with the Athens Area Association for Retarded Citizens, the Oconee Lions Club, Athens Evening Kiwanis Club, Oconee Optimist Club, the Oconee Pilot Club, and was a Special Olympics coach for over 12 years.

She has served on the board of directors for Sandy Creek Nature Center, First Night Athens, and Project R.E.A.C.H. She has also served Oconee County on the Citizens Advisory Committee on Cultural and Recreational Affairs.

Along with her fine husband, Peter, they have been major benefactors for numerous organizations, projects, and community groups such as the Athens Symphony and the Oconee County Public Library.

In 2003, the Oconee Rotary Club awarded Martha with the Jean Harris Award, given each year to a non-Rotarian woman in recognition of significant contributions given to the community over and above the call of duty.

Although these accomplishments and involvements are numerous and impressive, perhaps the most important contribution was the founding of Extra Special People, known as ESP. Martha Wyllie has put her energy, her love, and her financial resources into this program since its founding in 1986. For over 18 years, ESP has been providing a summer camp for youth and young adults ages 5 to 17 with different abilities. ESP camp provides a normal camping atmosphere for these young people.

Martha and her staff realize that these children wish to participate in the normal experiences of growing, and the ESP philosophy allows them to take part in regular camping activities while still meeting their individual needs.

Ms. Martha Wyllie, a tireless advocate who is the true definition of a good public servant, spends most of her waking hours helping everyone she touches to understand and to lend a hand to these very extra special people; and, Mr. Speaker, I wanted to share this woman with our colleagues.

#### THOSE WHO HAVE BORNE THE BATTLE

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Under a pre-

vious order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, 2 days ago the United States military announced that 1,000 military personnel have been killed in Iraq. For every American this is a time to contemplate the totality of the sacrifice of these brave Americans.

I recently returned from my second visit to our forces in Iraq and Afghanistan. I was awed by the courage, determination, and dedication of our troops who are fighting a brutal enemy thousands of miles from home.

Our soldiers, Marines, sailors, airmen, and coast guard are doing their job magnificently; but as we continue to battle a stubborn and pernicious insurgency in Iraq, Congress must take stock of the needs of our troops in battle and the challenges they will face when they come home.

We owe it to the more than 1,000 Americans who have died in Iraq and to their comrades serving there still to ensure that we put Iraq on the road to democracy and that we assist the Iraqi Government in building the security forces, army and police, that it needs to defend itself.

Since I was first in Iraq, the political transition has made important strides, but the security situation has worsened considerably; and our troops are shouldering an incredible load for the rest of us.

A year ago, the insurgency appeared confined to a few hundred Baathists, Saddam Fedeyeen, a small contingent of foreign fighters, and criminals released by Hussein before the war. Regrettably, the insurgency has spread, fueled by a much more substantial influx of foreign fighters and made more complex by Shiite uprisings in what had been more tranquil parts of the country.

The insurgents have embraced the tactics of foreign fighters. Suicide bombings and kidnappings have become much more sophisticated. Improvised explosive devices, IEDs, which take a daily toll on our troops, used to be easily visible to American personnel as they drove through the country. Now, they are buried, with only a slender wire of an antenna protruding above the ground and detonated remotely. Clearly our forces face a determined foe.

There is no question that the burden of this war has fallen exclusively on the shoulders of our men and women in uniform. While the military may always bear a disproportionate share of the burden in wartime, it is especially acute now. Even as our Guard and Reserve are constantly being called up and our active duty forces are stretched thin, the general population has been asked to make no sacrifice for a war effort that we are financing through debt.

Our troops are paying doubly for this war, first on the battlefield and then in the form of crushing deficits that have fundamentally weakened our economy.

Some only barely out of their teens, our troops will be paying for this war for the rest of their lives, even if they return home uninjured. They will pay for it in the form of higher mortgages on their first home, on credit card debt, and in taxes to repay the national debt.

Even as we speak, the families of our troops are struggling, losing jobs, businesses and piling up debt. I met a young Marine from my district in Pasadena who had been serving in Iraq since February and was due to return in the fall, return home. He had just learned that his wife had been called up and that she will be deployed to Iraq in the fall. Their planes may literally pass each other in the night.

We must not forget the nearly 7,000 Americans who have been wounded, more than 1,000 in the last month alone. Many of these wounds are grievous and many others might have been prevented had our troops been better equipped from the start of the war. Our troops now have the body armor they need and are driving armored Humvees, but they should never have gone into battle without these life-saving protections.

In an American military hospital in Baghdad, I spoke with several Marines hit with IEDs. Two Marines, who lay side by side in adjoining hospital beds, were riding in the same armored Humvee when they were struck. While these two Marines had shrapnel embedded in their legs and faces, a third Marine in the same Humvee was lucky and walked away unharmed. A fourth Marine they told me had not been so lucky. He died on the operating table the night before.

These young men and women and nearly 7,000 other wounded are returning to a Congress that seems to have forgotten Abraham Lincoln's admonition "to care for him who has borne the battle." We provide insufficient medical care for our veterans, and VA centers around the country are closing their doors, even as they are needed more than ever.

In our towns, cities and counties, thousands of individual Americans have pitched in to help our returning soldiers, but our Federal Government has lagged far behind. Until recently, our wounded were charged for the food they ate while recovering at Walter Reed Army Hospital.

I realize that time is short in this Congress, but I hope when we consider the VA-HUD appropriations bill later this month and in our work on defense and veterans issues in the 109th Congress that we consider the extraordinary price that we as a Nation have asked of the men and women of our Armed Forces and that we match our words with deeds.

#### INCREASE IN THE MONTHLY MEDICARE PART B PREMIUM

The SPEAKER pro tempore (Mr. KING of Iowa). Under a previous order

of the House, the gentleman from Texas (Mr. BURGESS) is recognized for 5 minutes.

Mr. BURGESS. Mr. Speaker, tonight I would like to speak on the issue of the 17 percent increase in the Medicare monthly premium for the part B of Medicare. This is an increase of \$11.60 on the monthly part B premium, which places it from \$66.60 up to \$78.20 a month.

The reason, Mr. Speaker, this was necessary is under a formula, by law, the part B premium has to cover at least 25 percent of the cost of medical providers, and in fact, with medical inflation and with an increase in reimbursement to medical providers that we gave last year in the Medicare Modernization Act, this increase in premium was necessary. It reflects medical inflation; and more importantly, it reflects that slight provider increase that was included in the act.

There is no question that this increase is significant for some beneficiaries. Mr. Speaker, I have done probably 60 town halls in my district in the 18 or 20 months I have been in Congress; and, yes, when I go into my district, people will complain about the cost of the prescription drugs and point out to me the difficulties they have in meeting the obligation of paying for their prescriptions. But what I heard at virtually every town hall, without exception, was seniors who had turned 65 and asked me, how come when I now turn 65, I lose my doctor. The reason they lose their doctor is because doctors are dropping out of providing for the Medicare program because they cannot keep up with the costs that are required to keep their offices open, and as a consequence, we gave a very small increase in Medicare provider fees during the Medicare Modernization Act.

If those same patients who now see a slight fee increase in the Medicare part B premium, if the increase had not happened, in all likelihood there would have been fewer and fewer providers for them to actually see.

The fact of the matter is, Mr. Speaker, some of my colleagues quickly forget that the medical profession was facing another significant cut when we passed the Medicare Modernization Act last December, and how quickly they forget that it was necessary to ensure that seniors have access, timely access, to doctors and other Medicare providers.

The problem is that taking this out of context, the opponents of the Medicare Modernization Act, and there are many, they are only seeking to inflame the passions of people who are perhaps uneasy about their medical care anyway. But, really, what do these changes mean for seniors? What do they represent?

They represent a secured access to a provider network by providing a 2-year 1½ percent reimbursement rate increase. That is a 1½ percent rate increase for providers, not a significant amount when we consider the overall

cost-of-living increases and the fact that medical inflation itself has gone up by 2.5 percent over the past 6 months.

Seniors also get preventive screenings to begin in 2005 for new beneficiaries; and in fact, these screenings will save the patients themselves and the Medicare program at large thousands of dollars.

New diabetes screenings will begin that will save beneficiaries thousands of dollars; and to top it all off, in 2006 a prescription drug benefit does begin that will save seniors money and improve their quality of life.

But I must point out, the rate increase that was announced last week, in no way is the prescription drug benefit responsible for that rate increase. That was purely to cover the 25 percent cost that, by law, our part B premium has to cover of the provider reimbursement.

It is important for us in this body to be honest about the changes in the Medicare Modernization Act and not use instances like the premium increase to scare seniors away from Medicare; and, Mr. Speaker, I will even go a little bit further. It is also important to bear in mind that, once again, we have not done liability reform, which is one of the things that I really looked forward to when we began this session of Congress in January of 2003.

The embedded cost of defensive medicine in our Medicare system, from a Stanford University study done in 1996, so these are 1996 dollars, \$50 billion a year is spent on defensive medicine in this country because of the unfairness of the medical justice system. We have had an opportunity to fix that. In fact, we passed that twice in the House of Representatives with caps on non-economic damages. It still awaits activity over 400 yards on the other side of the Capitol. I would like to think we could get that done this year. It does not seem that it will happen. It is of critical importance that we tackle that and get that done next year.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

(Mr. BROWN of Ohio addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2004 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the five-year period of fiscal years 2005

through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2005 (S. Con. Res. 95), which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 649. This status report is current through September 6, 2004.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by S. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2005 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2006 of accounts identified for advance appropriations under section 401 of S. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) Not identified in the statement of managers; or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 6, 2004

[On-budget amounts, in millions of dollars]

	Fiscal year 2005	Fiscal years 2005—2009
Appropriate Level:		
Budget Authority .....	2,012,726	( <sup>1</sup> )
Outlays .....	2,010,964	( <sup>1</sup> )
Revenues .....	1,454,637	8,638,287
Current Level:		
Budget Authority .....	1,556,621	( <sup>1</sup> )
Outlays .....	1,755,708	( <sup>1</sup> )
Revenues .....	1,482,757	8,687,835
Current Level over (+) / under (–) Appropriate Level:		
Budget Authority .....	– 456,105	( <sup>1</sup> )
Outlays .....	– 255,256	( <sup>1</sup> )

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95, REFLECTING ACTION COMPLETED AS OF SEPTEMBER 6, 2004—Continued

[On-budget amounts, in millions of dollars]

	Fiscal year 2005	Fiscal years 2005—2009
Revenues .....	28,120	49,548

<sup>1</sup> Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future sessions of Congress.

#### BUDGET AUTHORITY

Enactment of measures providing new budget authority for FY 2005 in excess of \$456,105,000,000 (if not already included in the current level estimate) would cause FY 2005 budget authority to exceed the appropriate level set by S. Con. Res. 95.

#### OUTLAYS

Enactment of measures providing new outlays for FY 2005 in excess of \$255,256,000,000 (if not already included in the current level estimate) would cause FY 2005 outlays to exceed the appropriate level set by S. Con. Res. 95.

#### REVENUES

Enactment of measures that would result in revenue reduction for FY 2005 in excess of \$28,120,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate level set by S. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 in excess of \$49,548,000,000 (if not already included in the current level estimate) would cause revenues to fall below the appropriate levels set by S. Con. Res. 95.

#### DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(a) ALLOCATIONS FOR DISCRETIONARY ACTION REFLECTING ACTION, COMPLETED AS OF SEPTEMBER 6, 2004

[Fiscal years, in millions of dollars]

House Committee	2005		2005–2009 Total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Armed Services:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Education and the Workforce:				
Allocation .....	68	56	236	230
Current Level .....	66	57	234	226
Difference .....	–2	1	–2	–4
Energy and Commerce:				
Allocation .....	576	483	4,350	3,381
Current Level .....	0	0	0	0
Difference .....	–576	–483	–4,350	–3,381
Financial Services:				
Allocation .....	1	1	17	17
Current Level .....	–6	–6	–5	–5
Difference .....	–7	–7	–22	–22
Government Reform:				
Allocation .....	1	1	19	19
Current Level .....	1	1	19	19
Difference .....	0	0	0	0
House Administration:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
International Relations:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Judiciary:				
Allocation .....	15	15	35	35
Current Level .....	0	0	0	0
Difference .....	–15	–15	–35	–35
Resources:				
Allocation .....	2	2	10	10
Current Level .....	0	0	0	0
Difference .....	–2	–2	–10	–10
Science:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Small Business:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Transportation and Infrastructure:				
Allocation .....	1,737	4	22,070	12
Current Level .....	2	–9	10	–8
Difference .....	–1,735	–13	–22,060	–20
Veterans' Affairs:				
Allocation .....	0	0	0	0
Current Level .....	0	0	0	0
Difference .....	0	0	0	0
Ways and Means:				
Allocation .....	1,368	804	3,470	3,244
Current Level .....	115	131	83	124
Difference .....	–1,253	–673	–3,387	–3,120
Reconciliation .....	0	0	4,600	4,600
Current Level .....	0	0	0	0
Difference .....	0	0	–4,600	–4,600

#### DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

(In millions of dollars)

Appropriations Subcommittee	302(b) suballocations as of July 22, 2004 (H. Rpt. 108–633)		Current level reflecting action completed as of September 6, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development .....	16,841	18,113	14	5,351	–16,827	–12,762
Commerce, Justice, State .....	39,815	40,463	0	11,825	–39,815	–28,638



## DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS—Continued

(In millions of dollars)

Appropriations Subcommittee	302(b) suballocations as of July 22, 2004 (H. Rpt. 108-633)		Current level reflecting action completed as of September 6, 2004		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
National Defense .....	390,931	415,987	390,931	415,772	0	-215
District of Columbia .....	560	554	0	60	-560	-494
Energy & Water Development .....	27,993	27,973	0	9,558	-27,993	-18,415
Foreign Operations .....	19,386	26,735	0	19,813	-19,386	-6,922
Homeland Security .....	32,000	29,873	2,528	12,126	-29,472	-17,747
Interior .....	20,039	20,214	36	6,364	-20,003	-13,850
Labor, HHS & Education .....	142,526	141,117	19,151	96,225	-123,375	-44,892
Legislative Branch .....	3,575	3,696	0	708	-3,575	-2,988
Military Construction .....	10,003	10,015	0	7,557	-10,003	-2,458
Transportation-Treasury .....	25,320	68,993	37	38,224	-25,283	-30,769
VA-HUD-Independent Agencies .....	92,930	101,732	2,198	48,957	-90,732	-52,775
Unassigned .....	0	283	0	0	0	-283
Total (Section 302(a) Allocation) .....	821,919	905,748	414,895	672,540	-407,024	-233,208

## Statement of FY2006 advance appropriations under section 401 of S. Con. Res. 95 reflecting action completed as of September 6, 2004

(In millions of dollars)

	Budget authority
Appropriate Level .....	23,158
Current Level:	
Interior Subcommittee: Elk Hills .....	0
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration .....	0
Education for the Disadvantaged .....	0
School Improvement .....	0
Children and Family Services (Head Start) .....	0
Special Education .....	0
Vocational and Adult Education .....	0
Transportation and Treasury Subcommittee: Payment to Postal Service .....	0

## Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals .....

Total .....	0
Current Level over (+) / under (-) Appropriate Level .....	-23,158

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
Washington, DC, September 9, 2004.

Hon. JIM NUSSLE,  
Chairman, Committee on the Budget,  
House of Representatives, Washington, DC.

DEAR JIM: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through September 6, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for wildland fire

suppression and for technical reasons. These revisions are authorized by sections 312 and 313 of S. Con. Res. 95.

Since my last letter, dated July 12, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for fiscal year 2005:

The Surface Transportation Extension Act of 2004 (Public Law 108-280);

The United States-Australia Free Trade Implementation Act (Public Law 108-286);

The Department of Defense Appropriations Act, 2005 (Public Law 108-287);

The John Marshall Commemorative Coin Act (Public Law 108-290);

The Marine Corps 230th Anniversary Commemorative Coin Act (Public Law 108-291);

The Coast Guard and Maritime Transportation Act of 2004 (Public Law 108-293);

The SUTA Dumping Prevention Act of 2004 (Public Law 108-295); and

The Morocco Free Trade Agreement (Public Law 108-302).

The effects of these actions are detailed in the accompanying table.

Sincerely,

DOUGLAS HOLTZ-EAKIN,  
Director.

Enclosure.

## FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 6, 2004

(In millions of dollars)

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues .....	n.a.	n.a.	1,482,831
Permanents and other spending legislation .....	1,179,653	1,133,168	n.a.
Appropriation legislation <sup>1</sup> .....	0	391,841	n.a.
Offsetting receipts .....	-398,008	-398,008	n.a.
Totals, enacted in previous sessions .....	781,645	1,127,001	1,482,831
Enacted this session:			
Authorizing Legislation:			
TANF and Related Programs Continuation Act of 2004 (P.L. 108-262) .....	122	138	0
Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108-264) .....	-1	-1	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108-265) .....	66	57	0
GAO Human Capital Reform Act of 2004 (P.L. 108-271) .....	1	1	0
An act to renew import restrictions on Burma (P.L. 108-272) .....	0	0	-10
AGOA Acceleration Act of 2004 (P.L. 108-274) .....	0	0	-30
Surface Transportation Extension Act of 2004 (P.L. 108-280) .....	0	-11	0
United States-Australia Free Trade Implementation Act (P.L. 108-286) .....	0	0	-29
John Marshall Commemorative Coin Act (P.L. 108-290) .....	-2	-2	0
Marine Corps 230th Anniversary Commemorative Coin Act (P.L. 108-291) .....	-3	-3	0
Coast Guard and Maritime Transportation Act (P.L. 108-293) .....	2	2	0
SUTA Dumping Prevention Act of 2004 (P.L. 108-295) .....	-7	-7	0
Morocco Free Trade Agreement (P.L. 108-302) .....	0	0	-5
Total, authorizing legislation .....	178	174	-74
Appropriations Acts:			
Department of Defense Appropriations Act, 2005 (P.L. 108-287) .....	391,153	266,777	0
Total, enacted this session .....	391,331	266,951	-74
Entitlements and mandates:			
Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs .....	383,645	361,756	n.a.
Total Current Level <sup>1,2</sup> .....	1,556,621	1,755,708	1,482,757
Total Budget Resolution .....	2,012,726	2,010,964	1,454,637
Current Level Over Budget Resolution .....	n.a.	n.a.	28,120
Current Level Under Budget Resolution .....	456,105	255,256	n.a.
Memorandum:			
Revenues, 2005-2009:			
House Current Level .....	n.a.	n.a.	8,687,835
House Budget Resolution .....	n.a.	n.a.	8,638,287

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF SEPTEMBER 6, 2004—Continued

(In millions of dollars)

	Budget authority	Outlays	Revenues
Current Level Over Budget Resolution .....	n.a.	n.a.	49,548

<sup>1</sup> For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off-budget. As a result, the current level excludes these items.

<sup>2</sup> Per section 402 of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, current level excludes outlays of \$19,902 from 2004 budget authority provided in the Defense Appropriations Act, 2005 (P.L. 108-287).

Notes.—n.a. = not applicable; P.L. = Public Law. Numbers may not sum to total because of rounding.

Source: Congressional Budget Office.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

(Mr. DEFAZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

(Mr. CONYERS addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

(Mr. MCDERMOTT addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

#### REMEMBERING SEPTEMBER 11, 2001

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from New Mexico (Mr. PEARCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PEARCE. Mr. Speaker, I am happy to be here tonight speaking on what is very close to the anniversary date of 9/11, and joining me tonight would be the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY). I would like to at this time recognize the gentlewoman from New York to discuss the events and the things that we should be mindful of on this anniversary date.

Mrs. KELLY. Mr. Speaker, I rise today to pay tribute to the heroes of September 11, to offer my sincerest condolences to the family and friends of those who were taken from us on that awful morning, and to offer my prayers to the men and women of our Armed Forces who continue the fight spawned by those attacks.

Much has been said about the firefighters and police officers who ran into those burning buildings, never to

run out. I feel that we can never say enough about such unparalleled bravery. In the face of an unprecedented attack, they displayed unprecedented courage in fighting through smoke and flames to save people they had never even met.

□ 1930

They made the ultimate sacrifice for their country, and their selfless action helped thousands of people escape the burning towers.

The people I represent lost a number of their friends, their coworkers, and their family members, but because of the heroics of the ones who ran in, many mothers, fathers, sisters, brothers, sons, and daughters did make it home to embrace their families, and we pay tribute to the heroic firefighters and police officers who helped save lives on the anniversary of this attack on America.

We yet mourn the 3,000 fellow citizens who lost their lives that day. These were men, women, and children who did nothing wrong; who had no enemies; no foreign policy. They were killed for merely living as free Americans.

As we speak, tens of thousands of young men and women carry the stars and stripes on their sleeves working in hostile regions around the globe to protect the security and freedom many of us took for granted 3 years ago. Though they may be physically detached from their families and their loved ones, we hold a special place for them in our hearts. The sacrifices that they make can never be fully repaid, but we in this House and this Nation must remain committed to see that we try. And we must try to do so by providing our men and women in uniform the wages, benefits and respect that they deserve and that the American people expect.

Mr. Speaker, following the attack on Pearl Harbor, President Franklin Roosevelt told a shocked and angry America, we will always remember the character of the onslaught upon us. I do not think a person in this House or in this country will ever forget the disbelief they felt on September 11. We must never forget the way we felt that day watching our friends and neighbors die before our eyes in an act of war. Our world was changed forever that day, as our Nation's otherwise passive course was suddenly and forcibly altered.

We need to continue the lessons learned from September 11 and continue our steadfast and resolute fight to rid the world of this radical form of terror. We must never forget.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from North Carolina for those stirring comments, and I would now like to yield to the gentlewoman from Texas (Ms. GRANGER) for any comments that she may have.

Ms. GRANGER. Mr. Speaker, the memory of September 11 and our reaction to it will be forever with us. Most of us experienced first shock, then disbelief, confusion, yes, great concern, certainly, but, above all, horror when we fully realized what had been done to us. Each of us remembers just where we were, what we were doing and how we felt.

When I am asked where I was, I am always met with surprise when I explain that I was at the Pentagon that morning. I was there with a handful of other Members at a breakfast meeting with Secretary of Defense Donald Rumsfeld. He had asked us there to discuss the future of the military and what changes, transformation was the word used, what transformation had to occur for us to meet the challenges of the 21st century and the dangers of our time.

It was a thoughtful and serious discussion, of course, as we all considered what would be needed to meet the dangers we thought we understood. And then, in a matter of seconds, as that meeting broke up, we learned of that first dreadful deed. As we made our way back to the Capitol, our worst fears were realized when the second plane hit the second tower. Now it is 3 years later, and I often return to that meeting in my mind, thinking how prophetic it was to be looking into the future trying to see and prepare for what was to come.

The question being asked daily during this election period is: Are we safer today than we were on September 11? I sit on both the House Homeland Security Committee, and the Subcommittee on Homeland Security of the Committee on Appropriations, and I can answer that question. Yes, we are safer today.

We have torn down walls that kept our agencies from talking to each other and sharing information. We have locked the doors that were open that allowed those terrorists to use our airlines and our airports so easily. We have enabled local communities and States to plan for proper responses to attacks. We have undertaken one of the most massive government reorganizations in our history by creating the Department of Homeland Security. We have funded new technology to protect our borders and our ports. We have provided funding to develop agents to

treat bioattacks of anthrax and smallpox. Most importantly, Mr. Speaker, led by President George W. Bush, we have declared a global war on terror and showed the courage to fight that war and not stand down.

We are leading that war, but we are not alone, for the world is beginning to fully realize that none are safe from the hate and evil of terrorism. That came home to all of us as we learned of the tragedy in Russia, where hundreds were killed and injured in a school, and where parents were made to choose among their children as to who could be saved and who would be sacrificed.

We have broken the back of the Taliban, and we have taken Saddam Hussein out of hiding and put him forever behind bars. And in court the families of those hundreds of thousands of his subjects who were executed and dumped in mass graves can tell their stories and have some justice in their losses.

We are fighting there so we do not have to fight here, and that fight is worth it. We are in praise to our troops for what they are doing for us.

Mr. Speaker, the war of terror is a war we must win, and September 11 is a day we must not forget.

Mr. PEARCE. Mr. Speaker, I thank the gentlewoman from Texas for her comments. In just a brief reflection, the differences between the two parties, Mr. Speaker, I think become evident as we contemplate responses to such events as 9/11. I do not doubt that my colleagues who believe differently feel as sincerely as I do about the possible courses of action that they suggest. But, Mr. Speaker, we do come to different conclusions.

We heard just a moment ago from one of our friends on the other side of the aisle who wanted to choose a smarter way to fight terrorism, to choose a good way, a way that is right, and suggesting that stronger intelligence is going to be the key to that. Mr. Speaker, I would point out that in the very period of time when we were needing more intelligence, the previous administration chose to bring in all of the operatives out of our intelligence systems and only use electronic means. And it so blindfolded us, it blindfolded us to the heart and the passion of the people in these cells.

I have heard estimates that it could take as long as 20 years, Mr. Speaker, to return us to the level of information-gathering that we were prior to withdrawing all of our agents out of the field under the previous administration.

My friend also pointed out that we should treat war as a last resort. Mr. Speaker, war is a last resort. We have tolerated one attack after another after another, beginning with the Olympics in the 1970s, when the Israeli Olympic team was brutally murdered at those events. We have tolerated a world continuing attacks from these people who would kill innocent civilians for no reason and with no expla-

nation. With no notice they would come in and do the horrific crimes that they have committed.

War is a last resort, and this President has said we have gone far enough. When we lost the people, those innocent civilians on 9/11, almost 3,000 people in just moments, when we lost those, the President of the United States, George Bush, said it is time to respond, and he has responded with steadfastness, with intent, and with clear direction.

I remember perfectly when he said, just after 9/11, if you harbor a terrorist, you are a terrorist; if you are a terrorist, we are going to come see you very soon. And he has been good for that promise.

But President Bush also laid out three fundamental things in the fight on terror. We must first uproot the Taliban so they cannot continue the training of new terrorists. The Taliban was operating in Afghanistan with basic training camps of terrorism, bringing people in to train them in the techniques of terror, the techniques of explosions, the techniques of murder. President Bush said, we are going to uproot you and take you out of those training camps, and he did that.

The second thing President Bush said was that we were going to begin to choke off their funding worldwide, and we have steadfastly worked toward that target, even to the point that within the last 90 days, our friends in Saudi Arabia, for the first time, have admitted they have a problem with terror in their own country, and they have a problem with funding mechanisms in their own country funding terrorists. For the first time the Saudi Arabians began to help us dismantle those funding streams for terrorists that originate inside the borders of our friends, the Saudi Arabians.

So, first of all, we are going to uproot the Taliban. We are going to uproot al Qaeda out of the training camps from Afghanistan. We are going to choke off the funding, and we have to do that and continue to do that. And, thirdly, the President said we are going to take the fight to the terrorists.

Now, some may agree or disagree, but I will tell you that when I was in Iraq, the Iraqi police forces that were guarding the border said about 50 percent of the people coming across the border were al Qaeda members. These are people from Iraq, from that northern region in Kirkuk, who would know. They were compelling in saying that we must continue the fight on terror.

They had two requests: Do not leave before you catch Saddam Hussein, and please do not take your troops home before the job is done. President Bush is firmly committed to that course of action, and I would say that we are making great progress toward the goal of eliminating terrorism worldwide.

It is going to be a very, very long fight. It will not probably be accomplished in our lifetimes. But I will say that the United States, and my chil-

dren and my colleagues' children, and my grandchildren and my colleagues' grandchildren, Mr. Speaker, are safer today with Saddam Hussein in jail than they were previous to the removal of his regime.

Mr. Speaker, a comment was made that we need to confront the root cause of terrorism: poverty. I am sorry, but I disagree with that fundamentally. The cause of terrorism is not poverty. To say that terrorism is created by poverty is to say that poor people have no standards. It is to say that poor people do not have discretion; that poor people cannot understand right from wrong.

Mr. Speaker, having grown up in a desperately poor family of six, with a father who worked in the very basic lowest level of the oil field economy of Hobbs, New Mexico, I can say that our family understood right from wrong, no matter our income status.

Mr. Speaker, I often wonder how the people who say that poverty causes crime and poverty causes terrorism justify that. If that is true, then the opposite would also be true. The corollary would be true, Mr. Speaker; that if poverty causes crime, then, as my colleague Dennis Prager says, affluence causes kindness.

I think that each one of us would recognize that that certainly is not the case. If poverty causes crimes, then those people who raise themselves up out of poverty by selling drugs into our high schools would certainly become more kind and more noble and more generous. But instead we find exactly the opposite is true. It is simply a false statement to continue to say that poverty causes crime, because affluence certainly does not cause kindness.

Mr. Speaker, the root cause of this terrible scourge of humanity, this terrorism that is being inflicted on the world right now, is not poverty, it is caused by a radical fundamentalist religious group who want to take power at any cost. At any cost. What else would explain a group who would go in and kill innocent children in a school in Chechnya?

I was in the district, Mr. Speaker, during this last August period, and I confronted questions that really were wrestling. There were people of noble intent wrestling with what is causing terror, and they had read the things on Web pages that were declaring it is the United States' policies.

□ 1945

My answer to them and my answer to them before the Chechnyan event is if it is the United States policy, then what on Earth is going on with the terrorists who are in Chechnya, a place that does not have troops in Afghanistan, a place that did not side with the United States in its current war? Russia was completely hands off, and yet they are being attacked the same as anybody else.

We know of the French resistance to our positions in the war; and yet the

fundamentalists, the radicals, have taken two French reporters as hostages. The cause of terrorism is not poverty, the cause of terrorism is a desire to gain power at any cost with no public vote. The desire of the terrorist is to destabilize world economies, individual countries' economies; and by destabilizing them economically, they have the potential to destabilize them politically.

Mr. Speaker, this question goes far beyond whether or not countries are democratic or non-democratic. It has to do with stability and stability on the world stage. We find that in many ways we might not agree with the Mainland Chinese; but make no doubt about it, when they stand side by side with us, and when they ask for North Korea to quiet down the rhetoric, North Korea knows that they ought to quiet down the rhetoric.

Mr. Speaker, we are going to find that we have allies of unusual sorts in this battle against terrorism. We are going to find that sometimes our friends are there and sometimes they are not, because we are going to find unusual circumstances in their nation which cause them to move in and out based on the resolve.

Prime Minister Tony Blair was in this body, in this Chamber, and spoke to a combined group of the House and Senate. He asked one of the most compelling questions rhetorically. He said you as Americans must be wondering why us, why us? Why should we be the ones to lead this international war on terror? He said history has placed you in the position to where you can lead it. You have the resources, the financial resources, the young men and women who will fight for freedom. You have the standing military. He said history has placed you in the position to where you can respond, and it is your duty to respond.

I remember that comment to this day, and I use that answer when my constituents ask me why, why is it us? I will tell Members that no deeper disappointment has been felt by this Nation than the response of some of our friends. It is understood now with the Oil-for-Food scandal where nations were taking payoffs underneath the table, where nations were taking that oil for food money and enriching themselves; and it is understood now that probably even the vote in the Security Council, especially by our friends, the French, was probably a vote that reflected the payoffs that they were getting, the fact that they were getting oil at below world prices, the fact that they were taking payoffs.

I have asked in this Chamber if Kofi Annan can continue in his position because his son is somewhat implicated in the scandal and can he objectively look at what the U.N.'s response is. When my constituents ask should the U.N. be more involved, I answer that I think we must have the best response to terrorism possible. We must ensure that our troops have the equipment

that they need, that the money that we intend for rebuilding Iraq and Iraq's economy is used for those purposes.

Mr. Speaker, I personally do not want to trust friends who just recently have been taking payoffs under the table and pulling money, almost \$10 billion, one-seventh. Almost \$10 billion of the \$70 billion in the Oil-for-Food program was scammed out of it by all estimates. Mr. Speaker, that is not the sort of results that I would like to trust the safety of our young men and young women to.

As we think about the war on terror, we must understand that our young men and young women are simply the last wedge between tyranny and freedom in the world, that if we are not willing to stand up, if our young men and women are not compelled to fight for this fight that benefits much of the world, and not so much their own homeland at this moment, if they stand up to fight, they are the last wedge between tyranny and freedom.

Mr. Speaker, we owe them a debt of gratitude. We owe them the thanks of a grateful Nation. We owe their families the thanks. And for those who have paid the ultimate sacrifice, we owe an undying respect for the sacrifice that they have made to make this battle, to make this war, to make this struggle to ensure that freedom survives and sustains itself in this world. To honor the memory of those who have given the ultimate sacrifice, we must give respect into the system and that war to ensure that that loss has not been in vain.

Mr. Speaker, as I contemplate the accomplishments that we can point to in this particular war on terror, I have to understand that under the leadership of President Bush and the 30 or so nations who are working with us, significant things have been accomplished in this war on terror. As far as al Qaeda, nearly two-thirds of the senior al Qaeda leaders have been taken into custody or killed. That includes Khalid Shaykh Muhammad, the mastermind of 9/11; and Muhammad Atef, Osama bin Laden's second-in-command.

In Afghanistan 3 years ago, the nation of Afghanistan was the home of al Qaeda, a country ruled by the Taliban, one of the most backward and brutal regimes of modern history. Today in Afghanistan, a presidential election is scheduled for this fall. The terror camps are closed, and the Afghan government is helping us to hunt the Taliban terrorists in remote regions.

Mr. Speaker, this Chamber has hosted the current President of the Afghanistan Republic. Mr. Karzai came into this Chamber speaking to both House and Senate Members, and the strength of his comments reflected the change in that society. These are changes that are generations coming, not just a few years, but thousands of years. He was pointing out for the first time that women in Afghanistan are going to have the right to serve in public office; and if my memory is correct,

the Constitution is reserving 25 percent of the elected offices for women. This is in a nation where women did not previously have the right to vote.

Today more than 15 million Afghan citizens have been freed from the brutal zealotry of the Taliban. Women are experiencing freedom for the first time and thousands of Afghan girls are going to school. Simply going to school was an act which was illegal under the Taliban regime.

Because we acted to liberate Afghanistan, a threat has been removed, and in this Nation we are safer because the threat has been removed in that country. It has become obvious that we are going to fight this war on terror. The only question is are we going to fight it here or are we going to fight it in Baghdad or Kabul.

My vote has always been to protect our children and grandchildren. My vote has always been to take the fight to the terrorists so our moms and dads can continue their lives in this country without threat of another 9/11. I know it has been just 3 short years since the 9/11 attacks, but that is 3 years without another significant attack inside this country, and I think we should pay respect to the thousands of homeland security officers and those first responders who daily look at what they can do to interdict the potential terrorists coming into this Nation.

Mr. Speaker, other accomplishments that we have in prosecuting the war on terror include many things in liberating Iraq. We have 25 million people in that country who were liberated from the brutal Saddam Hussein regime. The vast majority of Hussein's regime have been captured or killed, including the dictator himself. This sent a powerful message to the Iraqi people that the tyranny of that regime will not come back. Saddam Hussein currently sits in a jail cell awaiting trial by his own people. This gives more reassurance than any of us in this country will know.

The press has done a very, very skimpy job of reporting on the 400,000 mass graves that have been uncovered already, and we have members from the Iraqi civilian population who tell us that the numbers will be far greater than that.

Mr. Speaker, just before we went home for the August break, many in this Congress were treated and privileged to hear eight Iraqi women who came to speak to Members of Congress. When one particular Republican asked should we be in your country, and the obvious intention of the question was to find out if the Iraqi people felt like we had a right to be there, there were two comments that I was made aware of that seemed to sum it up. The first person that spoke said, let me tell you about my son. He simply spoke up and when he spoke up against Saddam Hussein, they arrested him and they cut out his tongue and then they put him on the phone trying to explain to me after they had cut out his tongue what

had happened, and then they cut off his hand. She said these were the sorts of things we were used to under Saddam Hussein.

Another woman raised her hand and said, one person of my family spoke up, and 52 members of my family were gathered up, some summarily executed, some were tortured horribly and then executed. The 52 members of my family are dead, she said, because one person spoke up, and she said, and your question is, Should you be here? She said that is the wrong question. She said the more compelling question is what took the world so long to come here.

Mr. Speaker, sometimes I think we have grown accustomed in this Nation to such debates that are so removed from actual fact that we think in some corners of this country that this war on terror is an intramural contest, one in which after all of the flags are pulled out and we take our positions on the sidelines, we will get to come back out and start a new game.

Mr. Speaker, these women who came here to talk to us understood that terrorism is a game for keeps. They understood that what we are fighting is for freedom and for life itself.

Mr. Speaker, we have also handed sovereignty over in the interim to the Interim Iraqi Government. The new government is leading reconstruction of the country. In early 2005, we are going to have an election there. When we look at the effects that the new regime is having, we find that they can take instances that we could not. Some of our Middle Eastern partners were very disillusioned and angry about some of our stances; and yet when the new interim regime took strong stances, the Middle Eastern partners in that region began to get quiet and support them.

□ 2000

Mr. Speaker, the changeover from the coalition forces who are governing the Iraqi region into the interim government have resulted in much more stability, much more ability to fight vigorously the terrorists that live inside the population there in Iraq. I think that we are going to see continued attacks that may even escalate up until the time of our election, but, Mr. Speaker, we are making progress in the war on terror as we capture or kill the terrorists. There are simply fewer of them who have been through the training camps.

The other advances that we have made in the Middle East, Mr. Speaker, cannot be overlooked. Libya was a country which had weapons of mass destruction. They had nuclear weapons components. They voluntarily offered to give those up, but it was not out of the gracious heart of Muammar Qaddafi that they gave them up. The President has told me personally that they received the first call in the White House the day after we put the first Tomahawk missile through the restaurant where Saddam Hussein had

been sitting 3 hours before. Mr. Qaddafi knew that Saddam Hussein had moved for years, close to 30 years. He had had a regimen where he would physically move every 3 to 4 hours. So we missed him on that day, where we started the war a couple of days early, but Muammar Qaddafi understood that we had information that placed him in the building a couple of hours earlier. He knew that he did not have the same strong discipline, and so when we stuck the Tomahawk missile through that window in the restaurant where Mr. Hussein had been sitting, Mr. Qaddafi suddenly realized, I don't think I want to play the game. He called the White House within 24 hours, negotiations took 9 months, but he voluntarily gave up those weapons of mass destruction that he had, asking for someone to please come and take these things out of the backyard.

Mr. Speaker, he did that not because of a doctrine of appeasement on the part of the world community. He did that in the face of the strength of the response on the part of the world community. And so my friends across the aisle who say that there should be a kinder and gentler way simply do not understand the thought processes of terrorism. You cannot appease terrorists. You cannot negotiate with them. Their intent is to get political power with as few people as possible. Even in their own nations they cannot win elections, so they depend on terrorism.

I have heard and understood that there are approximately 31 conflicts going on in the world today, and that the great majority, approximately 29 of those, involve radical Islamic states. Mr. Speaker, these people who would like to end freedom in the world as we know it insist that their standards of behavior, their standards of treatment of women and their standards of treatment of other people is the standard that we should have. They fear the freedom that exists in this country. They fear the freedom that might begin to cause people to choose a different system than what they currently live in, and, Mr. Speaker, they are willing to kill, they are willing to maim, they are willing to torture, they are willing to destabilize the entire world to make sure that their value system holds.

I think, Mr. Speaker, that we are in very much a civil war in the world. I think that it is very similar to the United States prior to the Civil War. We as a Nation were beginning to wrestle with such different value sets that we as a Nation understood that we could not have both slave and free States in the same Nation, and we fought a civil war to eliminate the slave-holding properties of this Nation.

Worldwide at this point, Mr. Speaker, I think what is happening is that the world is realizing we cannot live with both tyranny and freedom; that the Internet, that satellite TV, that quick, fast communications are eliminating the potential for terrorists to keep

their people completely isolated from the current world. And I think what we have going on is a struggle between the two value sets, and this war on terror in essence is simply a civil war fought among the world's countries to determine exactly what values we as a world will hold.

We sometimes think that we in America are removed, but 9/11 has changed everything. 9/11 brought to our understanding for the first time that we can no longer hide. Many nations around the world had experienced terrorist acts firsthand in their own nations prior to us experiencing them, but now then we also understand that we will fight the war on terror, that we will fight the war on terror here, or we will fight it there.

Mr. Speaker, there have been tremendous changes in many parts of the world. Pakistan for the first time is beginning to fight with us against these radical fundamentalists. Saudi Arabia has begun to work inside their own borders. Iran, although they are not exactly where we would have them, has begun to have discussions about the different programs they have that would create mass hysteria or create mass casualties.

Mr. Speaker, these are the ways that the war on terror is working right now in the world, changing literally thousands of years of history. No one of us could have expected 4 or 5 years ago that we would be where we are today in Afghanistan and Iraq, that we would be where we are today in Pakistan and Saudi Arabia. The worst thing we can do is lose our resolve, change our commitment, become less steadfast.

Many of the things that we find today in our discussions politically do not help the situation. They do not help ensure the safety and the security of our homeland. Many of the things in the discussion today would have been absolutely outlawed in World War II. I am not sure exactly why our friends on the other side of the aisle are making some of the comments that they do regarding our war on terror, because every time they make comments that indicate that they would pursue it differently, the terrorists simply say, We've got to wait out to the next election and maybe there will be a change, and we'll be emboldened more.

Mr. Speaker, we are doing our young men and women no favors by some of the comments that are being made in the Presidential debates on how this war should be handled. I know that there can be differences, and I do not think that the Republicans have every single answer, but in this particular regard I think that we do ourselves great harm and great danger by some of the ways that the debate is being handled.

Mr. Speaker, as we look at strengthening homeland security, we have spent billions of dollars that were unanticipated prior to September 11, 2001, but now we recognize the need to protect our skies, our borders, our ports and the critical infrastructure, as well

as support intelligence-gathering capabilities.

President Bush and Congress created the Department of Homeland Security in 2002. We began to pull the agencies together and to insist that they communicate the problems that each one saw at the border, communicate them back and forth. Previously that was not accomplished. So far we have conducted more than 124,000 port security patrols and 13,000 air patrols, boarded more than 92,000 vessels, interdicted over 14,000 individuals attempting to enter the United States illegally, created and maintained more than 90 maritime security forces. We have hired, trained and deployed over 45,000 Federal security screeners to America's airports to inspect all people and baggage to keep our skies safe. We established the Terrorist Screening Center to consolidate terrorist watch lists and ensure that government investigators, screeners and agents use the same unified, comprehensive set of antiterrorist information.

The majority party, the Republicans, have also enhanced America's ability to prevent, prepare for and respond to acts of terrorism by providing nearly \$27 billion for our first responders since 2001. Congress has also approved Project Bioshield, which will provide incentives for America's brightest scientists, physicians and researchers to develop lifesaving vaccines and medications to fight chemical and biological weapons in the event of an attack.

Under the present administration, under the Bush administration and under this Congress, the majority of which are Republicans, we have begun to reverse years of underinvestment in both our intelligence-gathering community and also in our military. We have increased the number of CIA operations officers. We have begun to reverse the crippling effects of the adverse attitude toward human intelligence-gathering, and currently in Iraq we are finding that the human intelligence-gathering has increased tremendously.

Mr. Speaker, as we look at ways to protect our troops, today I visited with a company from my district who are here, they have currently 11 prototypes in Iraq right now of an antenna that transmits a signal to make sure that the IEDs do not explode. They are in the process of making another 850 of these, these devices which will help protect our troops. Mr. Speaker, I know that everything is being done by this administration and this Congress which we can do to ensure the safety of our young men and women who are fighting the war on terror.

Mr. Speaker, it would be appropriate at this point to review some of the conclusions which were reached by the U.S. Senate Select Committee on Intelligence as listed in their report on the U.S. Intelligence Community's prewar intelligence assessments on Iraq. Conclusion number 1 of this U.S. Senate select committee was that the intel-

ligence reporting did show that Iraq was procuring dual-use equipment that had potential nuclear applications. Conclusion number 1 went on to say that the intelligence reporting did support the conclusion that chemical and biological weapons were within Iraq's technological capability, that Iraq was trying to procure dual-use materials that could have been used to produce these weapons, and that uncertainties existed about whether Iraq had fully destroyed its pre-Gulf War stock of weapons and precursors.

Conclusion number 91 told us that the Central Intelligence Agency's assessment that Iraq had maintained ties to several secular Palestinian terrorist groups and with the Mujahidin e-Khalq was supported by the intelligence. The CIA was also reasonable in judging that Iraq appeared to have been reaching out to more effective terrorist groups such as Hezbollah and Hamas and might have intended to employ such surrogates in the event of war.

Conclusion number 92 was that the Central Intelligence Agency's examination of contacts, training, safe haven and operational cooperation as indicators of a possible Iraq-al Qaeda relationship was a reasonable and objective approach to the question.

Conclusion number 93 was that the Central Intelligence Agency reasonably assessed that there were likely several instances of contact between Iraq and al Qaeda through the 1990s.

Conclusion 94 was that the Central Intelligence Agency reasonably and objectively assessed in "Iraqi Support for Terrorism" that the most problematic area of contact between Iraq and al Qaeda were the reports of training in the use of nonconventional weapons, specifically chemical and biological weapons.

Conclusion number 95 was that the Central Intelligence Agency's assessment on safe haven, that al Qaeda or their associated operatives were present in Baghdad and in northeastern Iraq in an area under Kurdish control, was a reasonable conclusion.

Mr. Speaker, the 9/11 Commission also reiterated the substance of our prewar conclusions. First of all, the Chairman of the Commission, Thomas Kean, on the News Hour with Jim Lehrer, June 16, 2004, said, "Yes, there were contacts between Iraq and al Qaeda, a number of them, some of them a little shadowy. They were definitely there."

Vice Chairman Lee Hamilton on that same date said, "I don't think there's any doubt that there were contacts between Saddam Hussein's government and al Qaeda, Osama bin Laden's people."

Lee Hamilton is a former Democratic Congressman from Indiana who served for 34 years in this U.S. House of Representatives.

The 9/11 Commission staff statement number 15 said that bin Laden also explored possible cooperation with Iraq during his time in Sudan, despite his

opposition to Hussein's secular regime. A senior Iraqi intelligence officer reportedly made three visits to Sudan. Bin Laden is said to have requested space to establish training camps as well as assistance in procuring weapons, but Iraq apparently never responded. There have been reports that contacts between Iraq and al Qaeda also occurred after bin Laden had returned to Afghanistan.

□ 2015

The 9/11 Commission continues to discuss the reasonableness of the assessment that Iraq was involved in terrorist activities. "The Butler Report on British Intelligence," chaired by Lord Butler of the British House of Commons, declares that "we have reached the conclusion that prior to the war, of the Iraqi regime," number one, "had the strategic intention of resuming the pursuit of prohibited weapons programs, including, if possible, its nuclear weapons program, when the United Nations inspections regimes were relaxed and sanctions were eroded or lifted."

Secondly, they concluded that in support of that goal, Iraq was carrying out illicit research and development and procurement activities to seek to sustain its indigenous capabilities. And, thirdly, they commented that Iraq was developing ballistic missiles with a range longer than that permitted under relevant United Nations Security Council Resolutions.

They continue in the report: "We conclude that, on the basis of the intelligence assessments at the time, covering both Niger and the Democratic Republic of Congo, the statements on Iraqi attempts to buy uranium from Africa in the government's dossier, and by the Prime Minister in the House of Commons, were well-founded. By extension, we also conclude that the statement in President Bush's State of the Union Address of 28 January, 2003, that: 'The British Government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa was' in fact 'well founded.'"

They continued later, paragraph 449, conclusion 21: "We have found no evidence of deliberate distortion or of culpable negligence." In paragraph 450 they comment that "we found no evidence that the Joint Intelligence Committee's assessments and the judgments inside them being pulled in any particular direction to meet policy concerns for senior officials on the JIC."

So report after report indicates that we have good reason and we had good reason to expect that the Iraqis were involved deeply in terrorist activities and that our operations there have certainly made the world more safe.

Mr. Speaker, all of us wish that 9/11 had not occurred. All of us wish that we were not having to fight this war on terror. All of us wish that we were not

losing American troops in this effort. But I will tell the Members that the young men and women who I talked to in Iraq have declared that they feel like their efforts are worthwhile, that their efforts are resulting in definite changes in Iraq, and they feel like their efforts are noble.

Mr. Speaker, we should keep in our prayers the families who lost loved ones on 9/11 and the gentlewoman from Texas (Ms. GRANGER) and the gentlewoman from New York (Mrs. KELLY) made very compelling comments about that. I would reiterate their comments that we could keep those families in our prayers, the families of 9/11, but also the families who lost loved ones in this war on Iraq.

The men and women who had done nothing wrong on 9/11, the families who have suffered so much loss deserve our continued memory and our continued remembrance. We must rid this world of the radicals who would kill innocent men, women and children. The event in Chechnya, the event in that schoolhouse, was not an isolated incident. It reflects the heinous attitude that some in the world terror community have toward other human life, even the most innocent, our children. In order to keep my grandchildren and my children safe and your grandchildren and your children safe, I would hope that we would all maintain our resolve to make sure that we all fight this war on terror in another land and not fight it here.

I would like to associate my comments with the gentleman from North Carolina, who commented that here we are fighting for freedom and the rest of the world and ministers in this country do not even have freedom of speech.

#### OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, SEPTEMBER 8, 2004, AT PAGE H6850

SEC. 506. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice of describing the statement made in subsection (a) by the Congress.

(c) If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or sub-contract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LANGEVIN (at the request of Ms. PELOSI) for today after 4:30 p.m. on account of a family emergency.

Mr. KANJORSKI (at the request of Ms. PELOSI) for today after 2:00 p.m. on account of official business in the district.

Mr. LUCAS of Oklahoma (at the request of Mr. DELAY) for today after 4:00 p.m. on account of family commitments.

Mr. CANNON (at the request of Mr. DELAY) for the week of September 7 on account of family illness.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. CONYERS, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. NORWOOD, for 5 minutes, today.

Mr. WELDON of Florida, for 5 minutes, September 15.

Mr. BURGESS, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

#### ADJOURNMENT

Mr. PEARCE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until Monday, September 13, 2004, at 12:30 p.m., for morning hour debates.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9478. A letter from the Principal Deputy Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the Family Subsistence Supplemental Allowance (FSSA) program, covering the period October 1, 2002, through September 30, 2003, pursuant to 37 U.S.C. 402(a) Public Law 106-398, section 604(a); to the Committee on Armed Services.

9479. A letter from the Actuary, Department of Defense, transmitting an updated copy, current as of September 30, 2003, of a tabulation showing the distribution of DoD military retirees and survivors by State and Congressional districts as well as tabulations showing Congressional district ranking by number of retirees and monthly annuity payments from DoD; to the Committee on Armed Services.

9480. A letter from the Director, Legislative and Regulatory Activities Division, Department of the Treasury, transmitting the Department's final rule — Risk-Based Cap-

ital Guidelines; Capital Adequacy Guidelines; Capital Maintenance: Consolidation of Asset-Backed Commercial Paper Programs and Other Related Issues [Regulation H and Y; Docket No. R-1162] Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-19] (RIN: 1557-AC76); Federal Deposit Insurance Corporation (RIN: 3064-AC75); Department of the Treasury, Office of Thrift Supervision [No. 2004-36] (RIN: 1550-AB79) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9481. A letter from the Under Secretary for Domestic Finance, Department of the Treasury, transmitting the annual report on the Resolution Funding Corporation for calendar year 2003, pursuant to Public Law 101-73, section 501(a) (103 Stat. 387); to the Committee on Financial Services.

9482. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations [Docket No. FEMA-B-7446] received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9483. A letter from the Acting General Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Final Flood Elevation Determinations — received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9484. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Eligibility of Mortgages on Hawaiian Home Lands Insured Under Section 247 [Docket No. FR-4779-1-01] (RIN: 2502-AH92) received June 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9485. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — FHA Single Family Mortgage Insurance; Lender Accountability for Appraisals [Docket No. FR-4722-F-02] (RIN: 2502-AH78) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9486. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Requirements for Notification, Evaluation, and Reduction of Lead-Based Paint Hazards in Housing Receiving Federal Assistance and Federally Owned Residential Property Being Sold, Conforming Amendments and Corrections [Docket No. FR-3482-C-10] (RIN: 2501-AB57) received July 7, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9487. A letter from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting the Commission's final rule — Covered Securities Pursuant to Section 18 of the Securities Act of 1933 [Release No. 33-8442; File No. S7-17-04] (RIN: 3235-AJ03) received July 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

9488. A letter from the Assistant Secretary, Division of Investment Management, Securities and Exchange Commission, transmitting the Commission's final rule — Disclosure Regarding Portfolio Managers of Registered Management Investment Companies [Release Nos. 33-8458; 34-50227; IC-26533; File No. S7-12-04] (RIN: 3235-AJ16) received August 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.



9489. A letter from the Secretary, Department of Energy, transmitting the Department's Annual Report for the Strategic Petroleum Reserve, covering calendar year 2003, pursuant to 42 U.S.C. 6245(a); to the Committee on Energy and Commerce.

9490. A letter from the Secretary, Department of Commerce, transmitting the sixth and final annual report mandated by the International Anti-Bribery and Fair Competition Act of 1998 (IAFCA); to the Committee on Energy and Commerce.

9491. A letter from the Acting Director, Defense Security Cooperation Agency, transmitting the Department of the Defense's proposed lease of defense articles to the Government of the United Kingdom (Transmittal No. 04-04), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

9492. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Sweden (Transmittal No. DDTC 054-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9493. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Fiscal Year 2003 annual report on U.S. Government Assistance to Eastern Europe under the Support for East European Democracy (SEED) Act, pursuant to 22 U.S.C. 5474(c); to the Committee on International Relations.

9494. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Export and Reexport Controls for Iraq [Docket No. 040302078-4078-01] (RIN: 0694-AC84) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

9495. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9496. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9497. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9498. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9499. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9500. A letter from the Deputy General Counsel for Equal Opportunity and Administrative Law, Department of Housing and Urban Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9501. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with Section 647(b) of Division F of

the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Commission's report on competitive sourcing efforts for FY 2003; to the Committee on Government Reform.

9502. A letter from the Commissioner, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 2003 through March 31, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

9503. A letter from the Executive Director, Advisory Council on Historic Preservation, transmitting the Council's final rule — Protection of Historic Properties (RIN: 3010-AA06) received July 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9504. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Joint Counterpart Endangered Species Act Section 7 Consultation Regulations (RIN: 1018-AI95) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9505. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for the California Tiger Salamander; and Special Rule Exemption for Existing Routine Ranching Activities (RIN: 1018-AI68) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9506. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Arabis perstellata* (Braun's Rock-creep) (RIN: 1018-AI74) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9507. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D — 2004-05 Subsistence Taking of Fish and Wildlife Regulations (RIN: 1018-AJ25) received June 23, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9508. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Three Threatened Mussels and Eight Endangered Mussels in the Mobile River Basin (RIN: 1018-AI73) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9509. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Removal of Federal Protection Status from Two Manatee Protection Areas in Florida (RIN: 1018-AJ23) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9510. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604B] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9511. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oce-

anic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 071604A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9512. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Recreational Measure for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Fishing Year 2004 [Docket No. 040326103-4198; I.D. 031504A] (RIN: 0648-AQ82) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9513. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Aleutian District of the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 071604C] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9514. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pelagic Shelf Rockfish in the West Yakutat District of the Gulf of Alaska [Docket No. 031125292-4061-02; I.D. 072004C] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9515. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species (HMS); Pelagic Longline Fishery [Docket No. 040202035-4197-02; I.D. 112403A] received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9516. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Access to Tissue Specimen Samples from the National Marine Mammal Tissue Bank [Docket No. 021017237-4194-02; I.D. 090302F] (RIN: 0648-AQ51) received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9517. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Annual Specifications and Management Measures; Inseason Adjustments [Docket No. 031216314-3314-01; I.D. 040104B] received July 16, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

9518. A letter from the Executive Director & CEO, American Chemical Society, transmitting the Society's annual report for the calendar year 2003 and the comprehensive report to the Board of Directors of the American Chemical Society on the examination of their books and records for the year ending December 31, 2003, pursuant to 36 U.S.C. 1101(2) and 1103; to the Committee on the Judiciary.

9519. A letter from the Attorney General, Department of Justice, transmitting the FY 2003 Performance and Accountability Report for the Department of Justice; to the Committee on the Judiciary.

9520. A letter from the Staff Director, United States Sentencing Commission, transmitting the Annual Report and Sourcebook of Federal Sentencing Statistics covering FY 2002, pursuant to 28 U.S.C. 997; to the Committee on the Judiciary.

9521. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs; HUBzone Program (RIN: 3245-AE66) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9522. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs (RIN: 3245-AF16) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9523. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Rules of Procedure Governing Cases Before the Office of Hearings and Appeals (RIN: 3245-AE92) received July 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

9524. A letter from the United States Trade Representative, Executive Office of the President, transmitting the Environmental Review of the United States-Morocco Free Trade Agreement; the United States Employment Impact Review of the United States-Morocco Free Trade Agreement; and the Morocco Labor Rights Report; to the Committee on Ways and Means.

9525. A letter from the United States Trade Representative, Executive Office of the President, transmitting the reports of the Advisory Committee for Trade Policy and Negotiations, and the policy, sectoral, and functional trade advisory committees chartered under those Acts, on the U.S.-Bahrain Free Trade Agreement, pursuant to 19 U.S.C. 2155(e)(1); to the Committee on Ways and Means.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1151. A bill to provide that transit pass transportation fringe benefits be made available to all qualified Federal employees in the National Capital Region; to allow passenger carriers which are owned or leased by the Government to be used to transport Government employees between their place of employment and mass transit facilities, and for other purposes (Rept. 108-673). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALSH: Committee on Appropriations. H.R. 5041. A bill making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2005, and for other purposes (Rept. 108-674). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. KIRK (for himself, Mr. YOUNG of Florida, Mr. GRIJALVA, Mr. BEAUPREZ, Mr. DUNCAN, Mr. PETRI, Mr. EMANUEL, Mr. THOMPSON of Mississippi, Ms. HART, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. PLATTS, Mr. KINGSTON, and Mr. RAMSTAD):

H.R. 5038. A bill to permit each State to provide a statue of an individual representing that State to be displayed in the Capitol Visitor Center, and for other purposes; to the Committee on House Administration.

By Mr. BUTTERFIELD (for himself, Mr. ETHERIDGE, Mr. JONES of North Carolina, Mr. PRICE of North Carolina, Mr. BURR, Mr. COBLE, Mr. MCINTYRE, Mr. HAYES, Mrs. MYRICK, Mr. BALLENGER, Mr. TAYLOR of North Carolina, Mr. WATT, and Mr. MILLER of North Carolina):

H.R. 5039. A bill to designate the facility of the United States Postal Service located at United States Route 1 in Ridgeway, North Carolina, as the "Eva Holtzman Post Office"; to the Committee on Government Reform.

By Mr. SHAYS (for himself, Mrs. MALONEY, Mr. MOORE, Mr. SIMMONS, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. FERGUSON, Mr. PASCRELL, Mr. WEINER, Mr. RAMSTAD, Mr. PRICE of North Carolina, Mr. CASE, Mr. PETERSON of Minnesota, Mr. PENCE, Mr. STENHOLM, Mr. HOEFFEL, Mr. RUPPERSBERGER, Mr. CASTLE, Mr. KIND, Ms. HARMAN, Mr. GILCHREST, Mr. SANDLIN, Mr. DOOLEY of California, Mrs. TAUSCHER, Mr. KENNEDY of Rhode Island, Mr. CHANDLER, Mr. WELDON of Pennsylvania, Mr. TURNER of Texas, Mr. DUNCAN, Ms. PELOSI, Mr. HOYER, Mr. WALSH, and Mr. FRELINGHUYSEN):

H.R. 5040. A bill to implement the recommendations of the National Commission on Terrorist Attacks Upon the United States, and for other purposes; to the Committee on Intelligence (Permanent Select), and in addition to the Committees on Armed Services, International Relations, Government Reform, the Judiciary, Rules, Transportation and Infrastructure, Energy and Commerce, Ways and Means, and Homeland Security (Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ACEVEDO-VILA:

H.R. 5042. A bill to amend the Department of Agriculture Organic Act of 1944 to ensure that the dependents of employees of the Forest Service stationed in Puerto Rico receive a high-quality elementary and secondary education; to the Committee on Agriculture.

By Mr. BELL (for himself and Mr. NEAL of Massachusetts):

H.R. 5043. A bill to amend the Fair Labor Standards Act of 1938 to provide for an increase in the Federal minimum wage, and for other purposes; to the Committee on Education and the Workforce.

By Mr. BURNS (for himself and Mr. NORWOOD):

H.R. 5044. A bill to provide for a study of the potential for increasing hydroelectric power production at existing Federal facilities, and for other purposes; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CULBERSON:

H.R. 5045. A bill to restore State sovereignty; to the Committee on Government Reform.

By Mr. TOM DAVIS of Virginia (for himself, Mr. MORAN of Virginia, Mr. WOLF, Mr. BOUCHER, Mr. CANTOR, Mr. SCOTT of Virginia, Mr. GOODE, Mr. GOODLATTE, Mr. SCHROCK, and Mrs. JO ANN DAVIS of Virginia):

H.R. 5046. A bill to require the Secretary of the Treasury to mint coins in commemoration of the tragic loss of lives at the Pentagon on September 11, 2001, and to support construction of the Pentagon 9/11 Memorial in Arlington, Virginia; to the Committee on Financial Services.

By Mr. EDWARDS (for himself and Mr. EMANUEL):

H.R. 5047. A bill to amend title 38, United States Code, to increase the maximum coverage under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance programs from \$250,000 to \$500,000; to the Committee on Veterans' Affairs.

By Mr. GREEN of Texas:

H.R. 5048. A bill to amend title XVIII of the Social Security Act to provide for coverage under the Medicare Program of annual screening pap smear and screening pelvic exams; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. INSLEE (for himself, Mr. LARSEN of Washington, Ms. BERKLEY, and Mr. HONDA):

H.R. 5049. A bill to require the Federal Energy Regulatory Commission to revoke the authority granted to Enron to sell electricity at market rates and to prohibit Enron from enforcing certain contract provisions, and for other purposes; to the Committee on Energy and Commerce.

By Ms. JACKSON-LEE of Texas:

H.R. 5050. A bill to establish the Director of National Intelligence as a cabinet level position in the Executive Office of the President to oversee budget, operations, and personnel of the entire intelligence community of the Federal Government; to the Committee on Intelligence (Permanent Select).

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. TANCREDO, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. UDALL of Colorado, and Mr. BEAUPREZ):

H.R. 5051. A bill to designate the facility of the United States Postal Service located at 1001 Williams Street in Ignacio, Colorado, as the "Leonard C. Burch Post Office Building"; to the Committee on Government Reform.

By Mr. MCINNIS (for himself, Mr. HEFLEY, Mr. TANCREDO, Ms. DEGETTE, Mrs. MUSGRAVE, Mr. UDALL of Colorado, and Mr. BEAUPREZ):

H.R. 5052. A bill to designate the facility of the United States Postal Service located at 222 West 8th Street in Durango, Colorado, as the "Ben Nighthorse Campbell Post Office Building"; to the Committee on Government Reform.

By Mr. MCNULTY:

H.R. 5053. A bill to designate the facility of the United States Postal Service located at 1475 Western Avenue, Suite 45, in Albany, New York, as the "Lieutenant John F. Finn Post Office"; to the Committee on Government Reform.

By Ms. MILLENDER-MCDONALD:

H.R. 5054. A bill to direct the Secretary of Homeland Security to carry out a pilot program to evaluate the use of hardened containers for cargo and luggage on passenger aircraft; to the Committee on Transportation and Infrastructure.

By Mr. MOORE (for himself, Mr. BACHUS, Mr. HILL, Mr. RAMSTAD, Mr. UDALL of Colorado, Mr. SIMMONS, Mr. BERRY, Ms. ROS-LEHTINEN, Mr. ISRAEL, Mr. OSBORNE, Mr. TOM DAVIS of Virginia, Mr. FORD, Mr. KANJORSKI, Mr. MURTHA, Mr. LAMPSON, Ms. SOLIS, Ms. CARSON of Indiana, Mr. PRICE of North Carolina, Mr. STUPAK, Ms. PELOSI, Mr. LINDER, Mrs. TAUSCHER, Mr. DINGELL, Mr. DOOLEY of California, Mr. CROWLEY, Mr. SHAYS, Mr. PASCRELL, Mrs. BONO, Mr. FOLEY, Mr. BROWN of South Carolina, Mr. GORDON, Mr. LARSEN of Washington, Mr. RANGEL, Mr. SCHIFF, Mr. ETHERIDGE, Mr. UDALL of New Mexico, Mr. CLAY, Mrs. JONES of Ohio, Ms. WATERS, Mr. PAYNE, Mr. JONES of North Carolina, Ms. BERKLEY, Mr. COOPER, Mr. TANNER, Mrs. LOWEY, Mr. BISHOP of New York, Mr. ACKERMAN, Mrs. CAPPS, Mr. PASTOR, Mr. ANDREWS, Mr. HEFLEY, Mr. BROWN of Ohio, Mr. STRICKLAND, Ms. LOFGREN, Mr. KENNEDY of Rhode Island, Mr. DOGGETT, Mr. FROST, Mr. BOSWELL, and Mr. BONNER):

H.R. 5055. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from \$12,000 to \$50,000; to the Committee on Armed Services.

By Mr. REHBERG:

H.R. 5056. A bill to adjust the boundaries of the Helena, Lolo, and Beaverhead-Deerlodge National Forests in the State of Montana; to the Committee on Resources.

By Mr. RUPPERSBERGER (for himself, Mr. HOYER, and Mr. JONES of North Carolina):

H.R. 5057. A bill to amend title 10, United States Code, to direct the Secretary of Defense to carry out a program to provide a support system for members of the Armed Forces who incur severe disabilities; to the Committee on Armed Services.

By Mr. SHAW:

H.R. 5058. A bill to amend the Immigration and Nationality Act to permit alien children receiving medical treatment in the United States to be classified as immediate relatives to avoid extreme hardship to themselves or their immediate relative alien parents; to the Committee on the Judiciary.

By Mr. SHERMAN (for himself, Mr. CASE, and Mr. ETHERIDGE):

H.R. 5059. A bill to amend title 18, United States Code, with respect to stored electronic communications; to the Committee on the Judiciary.

By Ms. SLAUGHTER (for herself and Mr. DUNCAN):

H.R. 5060. A bill to amend the Consumer Credit Protection Act to prevent credit card issuers from taking unfair advantage of full-time, traditional-aged, college students, to protect parents of traditional college student credit card holders, and for other purposes; to the Committee on Financial Services.

By Mr. TANCREDO (for himself, Mr. PITTS, Mr. FRANKS of Arizona, Mr. LANTOS, and Mr. PAYNE):

H.R. 5061. A bill to provide assistance for the current crisis in the Darfur region of Sudan and to facilitate a comprehensive peace in Sudan; to the Committee on International Relations.

By Mr. FLAKE (for himself, Ms. BORDALLO, and Mr. FALEOMAVAEGA):

H.J. Res. 102. A joint resolution recognizing the 60th anniversary of the Battle of Peleliu and the end of Imperial Japanese control of Palau during World War II and urging the Secretary of the Interior to work to protect the historic sites of the Peleliu Battlefield National Historic Landmark and to establish commemorative programs honoring the Americans who fought there; to the Committee on Resources.

By Mr. EHLERS (for himself, Mr. YOUNG of Florida, Mr. BOEHLERT, Mr. GORDON, Mr. UDALL of Colorado, Mr. SHAW, Mr. FOLEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. KELLER, Mr. BOYD, Ms. HARRIS, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. PUTNAM, Mr. FEENEY, Mr. WEXLER, Mr. HASTINGS of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. GOSS, Mr. WELDON of Florida, Mrs. BIGGERT, Mr. DEUTSCH, and Mr. DAVIS of Florida):

H. Con. Res. 488. Concurrent resolution commending the National Oceanic and Atmospheric Administration and its employees for its dedication and hard work during Hurricanes Charley and Frances; to the Committee on Science.

By Mr. COX (for himself and Ms. HARMAN):

H. Con. Res. 489. Concurrent resolution supporting the goals and ideals of National Preparedness Month; to the Committee on Government Reform.

By Mr. DOGGETT (for himself, Mr. TOM DAVIS of Virginia, Mr. BLUMENAUER, Mrs. MYRICK, Mr. OBERSTAR, Mr. FROST, Mr. CARTER, Mr. SMITH of Texas, Mr. RODRIGUEZ, Mr. BRADY of Texas, Mr. LAMPSON, Mrs. BONO, Mr. STENHOLM, Mr. MCDERMOTT, Mr. SANDLIN, Ms. MCCARTHY of Missouri, Mr. TURNER of Texas, Ms. BALDWIN, Mr. HINOJOSA, Mr. FARR, Mr. BASS, Mr. EDWARDS, Mr. HONDA, Mr. SAM JOHNSON of Texas, Ms. CARSON of Indiana, Ms. LEE, Mr. LANGEVIN, Mr. UDALL of New Mexico, Mr. COOPER, Mr. INSLEE, Mr. SHIMKUS, Mr. CAPUANO, Mr. REYES, and Ms. BERKLEY):

H. Res. 761. A resolution congratulating Lance Armstrong on his record-setting victory in the 2004 Tour de France; to the Committee on Government Reform.

By Mr. DREIER:

H. Res. 762. A resolution electing a Member to a certain standing committee of the House of Representative; considered and agreed to.

By Mr. HASTINGS of Florida:

H. Res. 763. A resolution condemning the terrorist attack at Middle School No. 1 in Beslan, Russia, that occurred in early September 2004; to the Committee on International Relations.

By Mr. TANCREDO:

H. Res. 764. A resolution condemning the terrorist attack in Beslan, Russia, that occurred beginning on September 1, 2004, expressing condolences to the families of the individuals murdered in the terrorist attack, and for other purposes; to the Committee on International Relations.

## MEMORIALS

Under clause 3 of rule XII,

424. The SPEAKER presented a memorial of the General Assembly of the State of Rhode Island, relative to Joint Resolution 04R366 (04-S3015) memorializing the Congress of the United States to amend certain provisions of the Medicare Prescription Drug, Improvement and Modernization Act of 2003 (MMA); jointly to the Committees on Energy and Commerce and Ways and Means.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. SHAW introduced A bill (H.R. 5062) for the relief of Helene Jensen; which was referred to the Committee on the Judiciary.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 290: Mr. HASTINGS of Florida.  
H.R. 296: Ms. BERKLEY.  
H.R. 490: Mr. SHERMAN.  
H.R. 548: Mr. BOEHLERT.  
H.R. 713: Mr. CAMP.  
H.R. 792: Mr. CRAMER, Mr. MURTHA, Mrs. CAPITO, and Mr. RAHALL.  
H.R. 953: Mr. BROWN of South Carolina.  
H.R. 1102: Mr. BUTTERFIELD.  
H.R. 1117: Mr. BRADLEY of New Hampshire.  
H.R. 1120: Mr. SANDLIN.  
H.R. 1157: Mr. ANDREWS.  
H.R. 1179: Mr. HASTINGS of Washington and Mr. ANDREWS.  
H.R. 1241: Mr. FILNER.  
H.R. 1247: Mr. SANDLIN.  
H.R. 1336: Mr. TAYLOR of North Carolina.  
H.R. 1615: Mrs. JOHNSON of Connecticut and Mr. MEEHAN.  
H.R. 1746: Mr. PASCRELL.  
H.R. 1755: Mr. NEUGEBAUER.  
H.R. 1787: Mr. LATHAM and Mrs. CAPITO.  
H.R. 1811: Mr. FERGUSON.  
H.R. 2045: Mr. NEUGEBAUER.  
H.R. 2239: Mr. FORD and Mr. HOLDEN.  
H.R. 2490: Ms. SCHAKOWSKY, Mr. SIMMONS, and Mr. WAMP.  
H.R. 2536: Mr. MCINTYRE, Mr. SERRANO, and Mr. ENGEL.  
H.R. 2640: Mr. FILNER.  
H.R. 2671: Mr. NEUGEBAUER.  
H.R. 2724: Mr. CUMMINGS, Ms. CARSON of Indiana, Mr. LIPINSKI, Ms. JACKSON-LEE of Texas, and Mr. BELL.  
H.R. 2727: Mr. PALLONE.  
H.R. 2807: Mr. SANDLIN.  
H.R. 2823: Mr. TURNER of Texas and Mr. SCOTT of Georgia.  
H.R. 2824: Mr. ANDREWS.  
H.R. 2871: Mr. BELL, Mr. KUCINICH, and Mr. ENGLISH.  
H.R. 2933: Mr. FLAKE.  
H.R. 2945: Mr. WEINER.  
H.R. 2971: Ms. KAPTUR, Mr. HASTINGS of Washington, and Mr. MILLER of Florida.  
H.R. 3069: Mr. NEUGEBAUER.  
H.R. 3125: Mr. NEUGEBAUER.  
H.R. 3142: Mr. BISHOP of New York, and Ms. ESHOO.  
H.R. 3308: Mr. WALDEN of Oregon.  
H.R. 3356: Mr. BURGESS.  
H.R. 3441: Mr. MOORE.  
H.R. 3476: Mr. PASCRELL, Mr. LAMPSON, Mr. MARSHALL, and Mr. PLATTS.  
H.R. 3484: Mrs. CAPPS.  
H.R. 3672: Mr. ISRAEL.  
H.R. 3674: Mr. BRADLEY of New Hampshire.  
H.R. 3745: Ms. WOOLSEY.  
H.R. 3799: Mr. WILSON of South Carolina.  
H.R. 3805: Mr. GEORGE MILLER of California.  
H.R. 3831: Mr. SMITH of New Jersey.  
H.R. 3834: Mr. RENZI.  
H.R. 3859: Mr. KENNEDY of Rhode Island, Mr. RUPPERSBERGER, Ms. NORTON, Mr. RANGEL, Mr. CAPUANO, Mr. ISRAEL, Mr. ENGEL, Mr. MARKEY, and Ms. WATSON.  
H.R. 3927: Mr. SHIMKUS.  
H.R. 4035: Mr. FILNER, Mr. GUTIERREZ, Ms. MCCOLLUM, Mr. CROWLEY, Ms. WOOLSEY, and Mr. PALLONE.  
H.R. 4067: Ms. BERKLEY and Mr. LEACH.  
H.R. 4102: Mr. GORDON and Mr. NEAL of Massachusetts.  
H.R. 4107: Mr. BISHOP of Georgia and Mr. OLIVER.  
H.R. 4124: Ms. HERSETH.  
H.R. 4130: Mr. LARSEN of Washington.  
H.R. 4149: Mr. CAPUANO and Mr. SMITH of Washington.  
H.R. 4225: Mr. BEAUPREZ.  
H.R. 4230: Mr. SESSIONS.  
H.R. 4232: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 4249: Mr. VAN HOLLEN, Mr. INSLEE, Mr. HASTINGS of Florida, and Ms. BALDWIN.  
 H.R. 4254: Mr. LATHAM.  
 H.R. 4256: Mr. DOGGETT.  
 H.R. 4263: Mr. OBERSTAR and Mr. GRIJALVA.  
 H.R. 4264: Ms. JACKSON-LEE of Texas and Ms. BALDWIN.  
 H.R. 4284: Mr. GOODE, Mr. NORWOOD, Mr. GORDON, Mr. PLATTS, and Mr. WHITFIELD.  
 H.R. 4306: Mr. FORBES.  
 H.R. 4334: Mr. BRADLEY of New Hampshire.  
 H.R. 4351: Mr. MCGOVERN.  
 H.R. 4433: Mr. BURTON of Indiana, Mr. BAIRD, Ms. PRYCE of Ohio, and Ms. MCCARTHY of Missouri.  
 H.R. 4468: Mr. BERRY.  
 H.R. 4480: Ms. GRANGER and Mrs. MYRICK.  
 H.R. 4502: Mr. NETHERCUTT and Mr. FROST.  
 H.R. 4578: Ms. BALDWIN, Mr. VAN HOLLEN, Mr. JOHN, and Mrs. LOWEY.  
 H.R. 4585: Mr. KIND and Mr. FILNER.  
 H.R. 4620: Mr. PETERSON of Minnesota.  
 H.R. 4626: Mr. INSLEE and Mr. BUYER.  
 H.R. 4638: Mr. MCHUGH.  
 H.R. 4662: Mr. COLE.  
 H.R. 4674: Ms. WOOLSEY, Mr. HINCHEY, Mr. VAN HOLLEN, Mr. PASTOR, Mr. SANDERS, Mr. KUCINICH, and Mr. FILNER.  
 H.R. 4676: Mr. OSBORNE, Mr. MCGOVERN, Ms. MCCOLLUM, Mr. RAHALL, and Mr. EHLERS.  
 H.R. 4678: Mr. SANDERS, Mr. LEWIS of Georgia, and Mr. EVANS.  
 H.R. 4685: Mr. JOHN and Mr. HAYES.  
 H.R. 4694: Mr. COSTELLO and Mr. PRICE of North Carolina.  
 H.R. 4705: Mr. PETERSON of Minnesota.  
 H.R. 4786: Mr. GRIJALVA and Ms. BORDALLO.  
 H.R. 4799: Mr. PLATTS and Mr. WU.  
 H.R. 4809: Mr. PENCE.  
 H.R. 4812: Mr. BOUCHER.  
 H.R. 4853: Mr. HOFFEL, Mr. BURR, Mr. DINGELL, Mr. FRANK of Massachusetts, Mr. WELDON of Pennsylvania, Mr. GREEN of Wisconsin, and Mr. COOPER.  
 H.R. 4863: Mr. REYES, Ms. VELAZQUEZ, Ms. LORETTA SANCHEZ of California, Mr. WELLER, Mr. PASTOR, Ms. MILLENDER-MCDONALD, Mr. GREEN of Texas, and Mr. MOORE.  
 H.R. 4887: Mr. CLYBURN.  
 H.R. 4896: Ms. NORTON, Mr. WEINER, Mr. HOFFEL, Ms. LEE, Mr. McDERMOTT, Mr. OLVER, and Mr. MCGOVERN.

H.R. 4897: Mr. KENNEDY of Rhode Island, Mr. WEINER, and Ms. DELAUNO.  
 H.R. 4901: Mr. BURR.  
 H.R. 4906: Mr. COLE.  
 H.R. 4927: Mr. DOGGETT and Mr. GREEN of Texas.  
 H.R. 4965: Mr. FALOMAVAEGA, Mr. CHABOT, and Mr. CROWLEY.  
 H.R. 4976: Mr. SABO.  
 H.R. 4984: Mr. STENHOLM.  
 H.R. 5011: Mr. BACHUS, Mr. CARTER, and Ms. GINNY BROWN-WAITE of Florida.  
 H.R. 5024: Mr. STENHOLM, Ms. LEE, Mr. DOGGETT, Mr. CLAY, Mr. CHANDLER, Mr. FILNER, Mr. DEUTSCH, and Ms. MAJETTE.  
 H.R. 5026: Mr. GEORGE MILLER of California.  
 H.R. 5027: Mr. MARIO DIAZ-BALART of Florida, Ms. HARRIS, Mr. MICA, Mr. SHAW, Mr. FEENEY, Mr. PUTNAM, Mr. MILLER of Florida, Mr. BILIRAKIS, Mr. KELLER, Mr. WEXLER, Mr. YOUNG of Florida, Mr. DAVIS of Florida, Mr. WELDON of Florida, and Mr. GOSS.  
 H. Con. Res. 330: Mrs. LOWEY.  
 H. Con. Res. 431: Mr. CALVERT.  
 H. Con. Res. 486: Mr. DICKS, Ms. ROSS-LEHTINEN, Mr. KILDEE, Mr. SCHIFF, Mr. GILCHREST, and Mr. ACEVEDO-VILA.  
 H. Con. Res. 487: Mr. GREEN of Texas, Mr. TURNER of Texas, and Mr. THORNBERRY.  
 H. Res. 28: Mr. SWEENEY.  
 H. Res. 567: Mr. SMITH of New Jersey.  
 H. Res. 737: Mr. ABERCROMBIE, Mr. ACEVEDO-VILA, Mr. BELL, Mr. BERMAN, Mr. BURTON of Indiana, Mr. CASE, Mrs. CHRISTENSEN, Mr. EVANS, Mr. FALOMAVAEGA, Mr. FILNER, Mr. FLAKE, Mr. GILCHREST, Mr. GRIJALVA, Mr. HONDA, Mr. HOSTETTLER, Mr. ISRAEL, Ms. JACKSON-LEE of Texas, Mr. JONES of North Carolina, Mr. McDERMOTT, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. MOORE, Mr. MORAN of Virginia, Ms. NORTON, Mr. RAHALL, Ms. ROYBAL-ALLARD, Mr. SANDERS, Mr. SCHIFF, Mr. SCHROCK, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WALSH.  
 H. Res. 747: Ms. CARSON of Indiana.  
 H. Res. 757: Mr. DELAY, Ms. MCCARTHY of Missouri, Mr. SMITH of New Jersey, Mr. CHABOT, Mr. FOSSELLA, Mr. FRELINGHUYSEN, Ms. JACKSON-LEE of Texas, Mr. GOODLATTE,

Mr. THORNBERRY, Mr. ISAKSON, Mr. ROHR-ABACHER, Mr. LINDER, Mr. VITTER, Mr. BOEHLERT, Mr. HAYWORTH, and Mr. KING of New York.

H. Res. 760: Mr. TANCREDO, Mr. HEFLEY, Ms. HARRIS, Mr. LINDER, Mr. MCHUGH, Mr. DEUTSCH, Mr. HOFFEL, and Mr. CARDIN.

### PETITIONS, ETC.

Under clause 3 of rule XII,

104. The SPEAKER presented a petition of the Kentucky Interim Joint Committee on Agriculture and Natural Resources, relative to a resolution petitioning the President and Congress of the United States to support and enact legislation establishing a tobacco buyout program; which was referred to the Committee on Agriculture.

### DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 6, by Mr. TURNER of Texas on House Resolution 523: David Vitter.

### AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 5006

OFFERED BY: Mr. KING OF IOWA

AMENDMENT No. 14: At the end of the bill (but before the short title), insert the following new section:

SEC. \_\_\_\_\_. None of the funds made available under this Act to the Department of Education may be expended in contravention of section 505 of the Illegal Immigration Reform and Responsibility Act of 1996 (8 U.S.C. 1623).